

CITY COUNCIL SPECIAL MEETING AGENDA
SANFORD, NORTH CAROLINA
Dennis Wicker Civic Center
1801 Nash Street, Sanford, NC
September 1, 2020 6:00 P.M.



1. **MEETING CALLED TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PUBLIC COMMENT**
5. **APPROVAL OF AGENDA**
6. **CONSENT AGENDA**
 - A. Approval of City Council Electronic Workshop Meeting Minutes Dated May 12, 2020 – (Pages 5-16)
 - B. Approval of City Council Budget Work Session Minutes Dated May 26, 2020 – (Pages 17-20)
 - C. Approval of City Council Meeting Minutes Dated June 16, 2020 – (Pages 21-35)
 - D. Approval of Special Called City Council Electronic Meeting Minutes Dated June 23, 2020 – (Pages 36-38)
 - E. Approval of City Council Electronic Meeting Minutes Dated July 7, 2020 – (Pages 39-44)
 - F. Approval of Joint Interlocal Committee Meetings Dated July 8, 2020 – (Pages 45-50)
 - G. Approval of Special Called City Council Meeting Minutes Dated July 13, 2020 – (Pages 51-57)
 - H. Approval of Special Called City Council Electronic Meeting Minutes Dated July 15, 2020 – (Pages 58-61)
 - I. Approval of City Council Electronic Meeting Minutes Dated August 4, 2020 – (Pages 62-66)

- J. Approval of Ordinance Establishing Speed Limit on Enterprise Park Drive in the City Limits of Sanford – (Pages 67-69)

7. **SPECIAL AGENDA**

8. **CASES FOR PUBLIC HEARINGS**

9. **DECISIONS ON PUBLIC HEARINGS: held jointly with the Planning Board.**

- A. Application by Wadfy H. Abou Awad to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land addressed as 801/809 Hawkins Avenue from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2). The subject property is a portion of Tax Parcel 9643-64-0140-00 as depicted on Lee Co. Tax Map 9643.15 (Pages 70-74).

- Vote to Approve a Statement on Long-Range Plan Consistency as it Relates to This Rezoning Request
- Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 75-77)

- B. Application by Sanford Real Estate Properties, LLC, to rezone one 1.24 ± acre tract of land addressed as 309 Hawkins Avenue from Residential Mixed (R-6) to Office & Institutional (O&I). The subject property is identified as Tax Parcel 9643-61-4369-00 as depicted on Lee County Tax Map 9643.19 (Pages 78-82).

- Vote to Approve a Statement on Long-Range Plan Consistency as it Relates to This Rezoning Request
- Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 83-84)

- C. Application by Outreach Mission, Inc., to rezone one 0.74 ± acre tract of land addressed as 507 S. Third Street, and located in the southeastern corner of Oakwood Avenue & S. Third Street, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District, a site plan specific conditional zoning district that would allow the redevelopment of the site as a homeless shelter/social assistance facility. The subject property is identified as Tax Parcel 9642-98-3686-00 as depicted on Lee County Tax Map 9642.08 (Pages 85-90).

- Vote to Approve a Statement on Long-Range Plan Consistency as it Relates to This Rezoning Request
- Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 91-95)

- D. Application by Raccoon Path Holdings, LLC, to rezone ten tracts of land totaling 122± acres. 64 acres ± are located between W. Courtland Drive and Tramway Road and are requested to be

rezoned to from Light Industrial (LI) and Residential Single-family (R-20) to Residential Mixed (R-6). 58 acres ± are located between Lemon Springs Road and Tramway Road and are requested to be rezoned from Light Industrial (LI) and Residential Single-family (R-12SF) to Residential Mixed (R-10). The subject property is identified as Tax Parcels 9641-98-7696-00, 9641-99-7002-00, 9651-07-5937-00, 9641-99-9351-00, 9641-99-4464-00, 9652-00-5103-00 (portion of), 9651-07-4087-00, 9651-06-5679-00, 9651-06-4458-00 and 9651-06-3385-00 as depicted on tax maps 9641.02 and 9651.01 (Pages 96-104).

Please note that the total acreage has decreased by 9.6 acres to allow a property owner to retain more acreage around an existing house at 2123 Courtland Drive.

- Vote to Approve a Statement on Long-Range Plan Consistency as it Relates to This Rezoning Request
- Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 105-108)

10. REGULAR AGENDA

- A. Receive Certificate of Sufficiency for Voluntary Non-Contiguous Annexation – (Village of Cumnock) – (Pages 109-114)
 - Consider Adoption of Resolution Fixing Date of Public Hearing on Annexation on Question of Non-Contiguous Annexation Pursuant to G. S. 160A-58.1 – (Pages 115-117)
- B. Receive Certificate of Sufficiency for Voluntary Contiguous Annexation – (Pine Reserve, LLC) – (Pages 118-122)
 - Consider Adoption of Resolution Fixing Date of Public Hearing on Annexation on Question of Contiguous Annexation Pursuant to G. S. 160A-31 – (Page 123)

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. Consideration of a Preliminary Plat for Carthage Square Subdivision, Phase 2, a 10-lot residential subdivision off of Tyndall Drive with a public street, public water, and individual private septic systems that is located with the City of Sanford (Pages 124-128)
- B. Consider Resolution Authorizing the Use of Electronic Signatures for Transactions with the City of Sanford – (Page 129)
- C. Consider Resolution to Adopt and Approve the 2020 Wastewater System Capital Improvement Plan (Pages 130 - 131)
- D. Consider Declaring Cost and Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Forest Hills Sewer Extension – (Pages 132-134)
- E. Consider Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll, and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Nash Street Sewer Extension – (Pages 135-137)

- F. Consider SRF (State Revolving Fund) Financing for Water Treatment Plant Expansion – Resolution by Governing Body of Applicant (Pages 138-139)
- G. Consider North Carolina Housing Finance Agency – 2020 Urgent Repair Program
- Consider URP Funding Agreement – (Pages 140-147)
 - Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2020-2021 – (Pages 148-149)
 - Consider Grant Project Ordinance – NC Housing Finance Agency – 2020 Urgent Repair Program (URP2034) – (Page 150)
 - Consider Assistance Policy – (Pages 151-159)
 - Consider Procurement and Disbursement Policy – (Pages 160-162)
- H. Consider Agreement for Services with Triangle J Council of Governments for NC Housing Finance Agency 2020 Urgent Repair Program – (Pages 163-168)
- I. Consider Contract for Services Agreement Between the City of Sanford and Partners for Impact, LLC, as Part of the S3 Housing Connect Initiative – (Pages 169-173)
- J. Consider Resolution Authorizing the Sale of 504 Wall Street to Lee County – (Pages 174-180)
- K. Consider Approval of Racial Equity Initiative – (Pages 181-183)
- Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2020-2021 – (Pages 184-185)

12. OTHER BUSINESS

13. ADJOURNMENT

**MINUTES OF
ELECTRONIC WORKSHOP –
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met remotely through electronic connections (Office Suite HD) on Tuesday, May 12, 2020, at 6 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Present:

Mayor Chet Mann	City Manager Hal Hegwer
Mayor Pro Tem Byron Buckels	City Attorney Susan Patterson
Council Member Sam Gaskins	Deputy City Clerk Vicki Cannady
Council Member Jimmy Haire	City Clerk Bonnie Davis
Council Member Norman Charles Post III	Fire Chief Wayne Barber
Council Member Rebecca Salmon	Public Works Director Vic Czar
Council Member James Williams	Management Analyst Holly Marosites
Council Member Charles Taylor	
Financial Services Director Beth Kelly	

Mayor Mann called the meeting to order.

Consider Spec Building #2/Central Carolina Enterprise Park – (Exhibit A)

SAGA Lee County Economic Development Director Bob Joyce updated Council on the process of Spec building #2. The first Spec building was sold to Audentes Therapeutics and we are ready to build another showroom model. The partners in the process will be the same: Central Carolina Enterprise Park LLC as the landowners; SAMET Corporation as the building contractor. The building will be the same general dimensions as the previous building; 117,000 square feet, 29-foot ceilings; 50 x 54 column spacing, 13 docks and a small parking area. The construction materials will be the same: concrete tilt-up walls or poured in place panels; 6” concrete floor; mezzanine office area pre-engineered so that if the company chooses; they can build mezzanine level offices and the building will be completed in the Shell condition-the same as Audentes building. This building will be built on Tract 2, which is the lot immediately south and adjacent to the Audentes building. There was some discussion about building Shell building #2 across the street but it was decided in the interest of time, to build on the lot next door to Audentes. The pricing for the building has changed slightly as costs have increased for construction. The proposed lease rate to an end user will increase by 5 percent and the proposed sale price per square foot to an end user would also increase by 5 percent. Their request to Council is to receive the same support as before and upon completion, there will not be a Certificate of Occupancy because the building will not be completed with electrical and plumbing. We referred to it as substantial completion, so at that point, they asking that City and County share in the cost of holding the building while they market it. They hope to have the success rate as they had before and sold the building before it was completed.

Council Member Williams asked how Audentes feels about an identical building being built next to them. Mr. Joyce replied yes; they have received a preliminary design from Audentes and those boards are up in the SAGA office and they are going to change exterior look of the building in such a way that it will not look like the Audentes building.

Council Member Taylor asked if a company locates in Shell building #2 and if they want another building beside it, would they building subsequent beside the next building or will they have the availability to choose another lot.

Mr. Joyce replied that the lot that we are building Spec #2 is being built on is just to the south of the Audentes building; the next parcel south on Enterprise Park Drive is the one parcel that the investment group does not own. The Talbot family stills owns the next parcel, and on that parcel, there is a considerable amount of floodplain, so it would be very difficult to put a building on the lot next to this one.

City Manager Hegwer reminded Council that on Tuesday, May 19, there will be a public hearing and the lease agreement will be on the agenda for Council's consideration. Attorney Patterson stated that when we would not be the carrying cost on the building, the mechanism by which we would do this is through the lease agreement and would not be signed until the building is in place. The terms of it would be in the Memorandum of Understanding (MOU), which will on the May 19 agenda. The MOU would allow the City to enter a lease agreement and pay those costs for two years.

Council Member Williams asked if we had money left over from the last deal we did not have to spend. Attorney Patterson replied that we budgeted in FY 2020, \$162,500 and we never spent it, staff will re-appropriate those funds to next year.

Consider Closure of Various Downtown Streets to Allow for Outside Dining, Retail, etc.

Downtown Sanford Executive Director Kelli Laudate explained that this process started seven to eight weeks ago when COVID-19 began and they tried to reach for the opportunity to continue to support the restaurants; however, it was not successful at that time. An idea was brought to her attention last week by a council member to look into as far as an ordinance. She met with City Attorney Patterson, Major Thomas, and the Chief, last week and basically what needs to happen is that our restaurants to apply for a premise extension with the ABC Commission. Our sidewalks are not compliant to meet ADA regulations because of the size, so we could not put tables on our sidewalks. If approved by the ABC Commission and the City closes the streets, then restaurants could extend their capacity into the streets. This does not mean they could put 50 tables in the street for Smoke and Barrel, Coopers and Local Joes. They could only extend through the full capacity of their restaurant. For example, Jeff Towson can have 84 people inside his restaurant, the Smoke and Barrel. When Phase II occurs between May 22 and May 29, it is said that he can only have 50 percent capacity inside the restaurant but if he is approved through the ABC Commission, then he could then serve the other 50 percent in the street.

Attorney Patterson advised that the process was talked about that New Bern and Wilmington had been through this matter. She called and spoke with both city attorneys. Wilmington has just approached the subject and not put anything in place yet. They are talking

about working through their Senator to see whether they could possibly have some change to their ALE regulations in order to accommodate the outdoor restaurant premise extension. New Bern is talking about it tonight at their meeting. This temporary extension of premises application with the ABC Commission is an application with the ABC Commission. The application asks if the restaurant has leased or deeded the covered area in the extension. She clarified what Mrs. Laudate said. For the building frontage on the street, you would extend the building line as far as the City grants and within those perimeters, you could have tables for the restaurant. If Council closes the street and gives permission for the use of the street to the restaurateurs, they could have food; if they want anything else, beverage-wise, it is between them and the ABC Commission. The City has an ordinance that allows consumption in the Central Business District of beer and unfortified wine, if there is a special event, function, festival or celebration where a special event permit has been issued and streets have been closed. It may take action by Council after they receive their premise application approval from the ABC Commission, then Council could consider whether to close the streets. At some point in the process, Council would have to give permission for use of the City streets by these individual businesses. We also have a city ordinance that talks about not being able to sell on City property but we would have to have some sort of temporary repeal of that for this type of sales on the streets. There are on-premise licenses for ABC and off-premise licenses for ABC. On-premises licenses says you sell and consume on the premises. The way they are looking at this is they are extending the premises and the way New Bern looked at it, if the capacity in your restaurant was 84 people, the total you could have inside and outside would be that capacity; so that would limit the number of people you could have. New Bern has an application process that would go through the city where they would have to provide insurance certificates covering general liability and liquor liability. Attorney Patterson made it clear that there is nothing that she knew of that would allow you to serve liquor on the street but the liquor liability is the type of insurance that covers alcoholic beverage sales; you want that protection in case someone gets in their car and drives off and hurts someone. Those would name the City the additional insured.

Attorney Patterson informed Council that she had spoken with our risk management officer and suggested that if Council chooses to do this, that we would want an insurance policy to name us as co-insured in the amount of \$3 million for general liability and \$3 million for liquor liability. The restaurant would get that application approved through ABC first. Then we would have some steps we would have to take into place. New Bern closed their streets from the hours of 5 PM to 11 PM, Friday and Saturday on the weekends which would allow these street cafes to occur on those extended premises. Mrs. Laudate added that her understanding for the reason for part of this push is because most of our restaurants have applied for Payroll Protection Plan (PPP) and they are receiving the SBA support, but there are restrictions within that SBA protocol that you spend 75 percent of what is granted to you by June 30. So, if they are not allowed to open their doors until May 27 through May 29, that leaves a short period of time for each of these restaurants to make sure they maximize the use of their 75 percent of their PPP. Mrs. Laudate stated she believes this is the reason, not just for the economy, but to help these restaurants to not incur a loan but their PPP is forgiven as a grant.

Attorney Patterson stated that for the Alcohol Beverage Commission application for extension of premises, that takes a 30-day prior to the event for that to be approved so that would

be difficult with the perimeters that Ms. Laudate mentioned. We could still allow the street café idea or the extension of tables into the street for food, if you would like to do that.

Mrs. Laudate said that Major Thomas been in touch today with Michelle Perez, our ABC agent, and she is willing to continue conversation if this is something that Council feels is necessary.

Council Member Taylor asked the following questions: Are you looking at doing this for a period of time, or is it on weekends, weekdays, etc? How about individuals who do not sell alcohol such as Java Express, Karma Café and other areas and how would that affect them if they want to close Moore Street? Could Charlie Watson Lane where you could have service for all three restaurants and have shared tables? What is the cost of the \$3 million liability and what is the cost to the City for us to increase our liability on insurance?

Mrs. Laudate replied that her recommendation is if this is something Council wants to pursue that we put a time period on it. She said in her personal opinion, she does not want to sit in the middle of a street when it's 90 degrees with bugs and gnats. She recommended putting a four-week period on it if they are able to open their doors on May 22 and see what happens for four weeks; that would be for Friday and Saturday nights. The answer to the second question is that the other restaurants all close at 5 PM; Karma closes earlier in the afternoon and she did not think it is necessary that we look at extending this to Wicker Street and Moore Street. Hugger Mugger has the opportunity with outdoor seating and their food trucks and Tim Emmett has done really well with his partner David Lamb. The answer to the third question is it is not easily accessible for these restaurants to use Charlie Watson Lane. If we go to this much effort, she felt the consumer does not want to eat cold food. She fears if you move to Charlie Watson Lane, there is not as much room to service three restaurants; the distance would be too far. She reached out to Renee Fincher with La Dolce Vita and she is not looking at opening until June 1. Renee Fincher and Steve Brewer own their properties, building, and parking lots so they are not limited as to space and parking spaces.

Attorney Patterson stated that it is up to Council as to when you would like to do it. Most people are looking at just Phase II COVID. There are restaurants outside the Central Business District; however, that is the only place you have in the current ordinance to allow consumption of alcohol with a special event permit with streets closed (that is between the business owner and the ABC Commission). Regarding Charlie Watson Lane, the way this extended premises permit works is from the store frontage out straight across the street, so it would not allow you to go to extraneous area to the side. Regarding the cost of the liability insurance, she was not thinking the City would increase our liability insurance; it is for the businesses who want to do it to carry it and name the City, as co-insured. It would be a requirement on the businesses; the City would not pay for it. She questioned the risk manager about how much coverage there should be. It is because the League, with our insurance, usually tries to have a similar amount when we go into these types of events; the risk manager recommends \$3 million because it is closer to our coverage of \$5 million. When you have a disparity in coverage amounts, everyone looks for the deep pocket.

Mayor Pro Tem Buckels asked how does this affect those parking areas allocated to handicap or off-loading, particularly, to those residents who are living in Downtown – the Wilrik

building on Steele Street. Attorney Patterson replied that it would affect all the parking areas. The Police usually would like that you close the street from end to end so no one turns in and has to find a way back out or turn around. If you close Steele Street, it would be from Carthage to Wicker Streets. The vehicles would need to be removed from the area that is closed, or else it would be closed to vehicles at that time. The Wilrik has, in their lease, a portion of the parking lot on Steele Street across from the Board of Elections. Those streets that are not closed would still have parking but the closed streets will not be available for any parking.

Mrs. Laudate commented that in the past, for every time the streets have to be closed, it has been part of the requirement that she speaks to every single business owner on those streets. They would be notified ahead of time of the street closure and they have cooperated with her through all of their Downtown events so far. They have been wonderful to move their cars temporarily until the street closure comes to an end at night.

Council Member Salmon asked how much earlier would we need to close the streets to get the cars out of the way in time. Mrs. Laudate replied that the beauty of the 5 P.M. closure is that every business on Steele Street closes at 5 P.M. except for Super 10. She walks the streets and goes into each building to tell the owner to remind the customers to move their cars as soon as possible for the street closure. It takes her about 30 minutes to do it and it has not been a problem. Council Member Salmon asked if a space or two could be converted on a side street to make sure those residents who utilize a handicap space have a space close by; it could be a challenge. Mrs. Laudate replied that Public Works with them every time. It would be a request to be made to them.

Mrs. Laudate commented that there are stipulations and they have to be cautious as to how we open our doors and do not want this event to be thought of as a way for a large mass gathering. This is a way for our restaurants to have 100 percent capacity; this is the reason for the ordinance. Mayor Mann stated that this is a great way to help us reopen and throw a life line to those restaurants. Attorney Patterson stated that Council needs to think about whether they want to do this or not so they can draft an ordinance and take action, or wait to see whether they get ABC permits or not. Mayor Mann wants an ordinance drafted and let Council decide what they want to do and he did not want to wait for the permit; he wants to give them an option to sell food if Council votes to approve it. Council Member Gaskins added that Council needs to take action early because Phase 2 may start on May 21 and he felt we need to allow our restaurants ready. This is something that we are going to allow them to do and if it is something they are going to learn and it is going to be difficult, then they don't have to do it. He felt we need to give them the opportunity. Mayor Mann agreed with Mr. Gaskins about getting our restaurants up and running while staying within the state order by Governor Cooper.

Council Member Buckels said it could be a challenge for some of the residents who utilize the handicap space at the Wilrik. He asked are we going to address the issue if we can use the next street over from the designated handicap parking spaces to them to have at least the number of handicap spaces to the next closest parking on street.

Attorney Patterson replied there are building code type requirements for handicap space; it cannot be on a too high of a slope, so that people can get in and out of their vehicles. There is

some provision for handicap spots on Wicker Street. Public Works Director Vic Czar explained that he is not sure that you can have a handicap space that is ADA compliant; but he felt you could reserve some spaces for those people. It has to do with the way the curbs are configured and the width of the space, as a handicap space is wider than a normal space. You could make some accommodations but it may not be exactly a handicap space but you could make room for those people to park as close as they can in proximity to where they were originally.

Mrs. Laudate stated that for Downtown Alive, there is an alley that David Lamb owns right on the corner of Wicker Street and Steele Street. She ended up half way through our series last summer, pulling the stage through that alley and on the back side of that stage, they allowed people to park there. The Police were there to support them through that and knew that people need to get in and out if they were handicapped, they could ask for those spaces. She is not sure if Council would like to consider it; she knew you do not want people to turn around and that is the reason they close the street from end to end but this could be a possibility because no tables need to go past that alley. Council Member Buckels said it sounded like Mrs. Laudate was referring to the people that come to the event; he was referring to the residents that live in the Wilrik building and some of the challenges some residents may have. Mayor Mann asked Mrs. Laudate if she could speak with the people at the Wilrik to find out what the needs are and head it off by addressing the issue ahead of time; maybe we can accommodate those needs. Mayor Mann asked Council for a consensus to place an ordinance on the agenda for Tuesday night with or without ABC consent; to at least serve food. It was the consensus of Council to do so. Mrs. Laudate clarified if it was good for her to reach out to the three restaurants on Steele Street and give them the information on how to apply for a premise extension and see what happens from there. Council Member Gaskins thanked Mrs. Laudate for her efforts in trying to put this together.

Consider System Development Fees – (Exhibit B)

Financial Services Director Beth Kelly referred to the presentation (Exhibit B) Council was presented in their agenda packet and shared the information on the screen for the public. This presentation was presented by Raftelis to Council a couple of years ago and she and Vic presented this at this year's retreat. Council was supportive at that time to move forward with these fees. The presentation explains the objective of the system development fees and how they are calculated and make sure we recover costs to provide service capacity to new connections. This would connect water and wastewater systems. However, the revenue from the fees is restricted to only allowed to be used on capital purchases and capital projects. This revenue source would allow us to pay for capital needs that could help offset future rate increases because we will have this available money to help with our capital needs. Mrs. Kelly explained the background information on the fees as it recovers the cost of core system assets necessary to serve all customers (See Exhibit B). The fees that are recommended are based on what Raftelis has calculated by meter size; it has to be reviewed and updated every three to five years. As staff presented at the retreat, the timeline with the new statute requirements that the fees on Exhibit B are what Raftelis says are basically supported and the amount we could actually put in place; however, they require us to post information on the City's website for at least 45 days and we are tentatively planning to post it effective May 15 and then it would allow for the 45 days to hit close to June 30. During this time, the public can ask questions and provide feedback via an email staff will set up for this purpose (which she has listed on the slide). We would take all the feedback from the public and provide that information at a public hearing on July 7 and then, the adoption of the ordinance

would follow after the public hearing. Staff is recommending that the fee be effective no early than January 1, 2021. However, based on the feedback received from the public, we could push back that date back to be effective a little later. Council was supportive of these fees at the retreat. This would give time for those individuals who have projects to know that this fee is going to come in the future. This fee is above and beyond the tap fee for water and sewer. Public Works Director Vic Czar added that this is just the next step in the process; we need to be transparent to the public and show them the information on how they are justified. If you proceed, you can adopt the fee and implementation can be whenever Council so adopts. Fees are in line with other communities; this is something common in a lot of cities/towns.

Council Member Taylor asked if we would charge a neighborhood with one empty lot with the same type of impact fee on those individuals in a new neighborhood development such as Galvin's Ridge and Laurel Oaks. Mr. Czar replied yes, they would be charged to any connection that is made, whether water and sewer. If it is a water connection, it would be charged at the time the meter is set; if it is a sewer connection, it is charged at the time the sewer tap is made. The reason is the capacity in the system exists for those people who do that and for the other people who are paying rates now, are basically paying for the lot that is not connected to have that ability.

Consider Kendale Improvement Opportunities – (Exhibit C)

Community Development Director Marshall Downey presented an update of the proposed Jonesboro Kendale Plaza. Staff has worked closely with the owners of the Kendale Plaza from Atlanta. We were able to secure grant money and prepared a master plan for development. At council's direction, they have had two opportunities with two new property owners: Mina Charter School (backed by MORCOR) from Arizona or Utah and Par 5 Development out of West End in Moore County. They have been working with City staff on different designs and our master plan has somewhat come to fruition. The upper pod along Main Street and Lee Avenue was designed to consolidate retail, middle block for multi-family and the lower block was targeted for an institutional type space, which has turned out to be educational. The good news is that seems to have helped impact the redevelopment in that area. The project that is moving faster is the Charter School, along Lee Avenue and Industrial Avenue. He presented the basic site plan (Slide #1) and Slide #2 shows the proposed vehicular area. The lighter blue area will be restriped for parking and driveway and along Industrial Drive will be for guests, teachers and student drop off. The back area is for larger vehicles such as buses, etc. The area in white will stay existing asphalt (which is broken) with the exception of the area highlighted in green, which is a little retrofit with landscape buffers, which is required by ordinance. Mr. Downey wanted Council to visualize what it will look like by the diagram (Slide #2).

Mr. Czar stated that the developers were going to do everything they needed to do to meet the ordinances, but the point is they were quite minimal. The existing asphalt is not the best looking and essentially, they were going to put a few trees as a buffer. Given what the vision was to happen, it did not meet the intention of what we thought the vision would be. Mr. Downey stated that staff recognized that and they started having discussions to seek something better. Mayor Mann stated that this is just an effort what we can do to enhance the area and feel it will bring others to do more as well. If MINA leads the way, then others will work in conjunction with staff to do more we hope.

Council Member Taylor asked if the traditional chain-link fence will accomplish the continuity of what we want of that project and fit the look of the school. Mr. Downey referred to Slide #3 and said yes, staff did not feel that was accomplishing the vision Council and staff would like to see. Staff reached out to McGill and Associates to come with an opportunity or vision to make the site better. Slide 3 is what staff has come back with and worked with Charter School on in terms of what could be a better product. You see some of the same elements as before but staff eliminated a lot of the older broken asphalt to give you a more attractive view and create a trail system the public can use and a feature that makes it more attractive as you come through that core. Mr. Czar and he have had numerous discussions with MORCOR and they have been very receptive to this point about working with the City and trying to get into some type of partnership for this project. Highlighted in red is what we spoke with them about donating for the City to make a public space, as well as a pedestrian element. They see this as a benefit to them and they get an opportunity to have something better than they had before. They also don't see at this point that this particular area is something they will need in the future for their growth. Mr. Czar stated that we say this as an opportunity; we did not think their first site plan submitted did not meet council's vision; it did meet all the rules. This red area could be an attractive public space and they have been very agreeable to donate it if the City would supply some improvements. It would be a great facelift to that building the way they are looking at it and Jonesboro in general. Referring to the previous slide with the adjacent piece to multi-family; there has been some discussions with them to continue the sidepath up to Main Street, so there is some real opportunity to meet Council's vision and give an economic boost to Jonesboro.

Mr. Downey displayed Slide #4 which would improve the entire Jonesboro area and would fit into a grander scheme. Mr. Czar stated that we have requested some money in this year's budget; we need a greenway system in Jonesboro and in other areas of the City. This would be a link to various other parks (Buchanan Park, Dalrymple Park), and as you go further south, the greenway would extend to Woodbridge and Gaster's Creek tributary; you could go as far as Carolina Trace, which could connect to the greenway system, which could connect to the proposed Laurel Oaks Subdivision. It is the beginning of a backbone greenway system in an area of town we do not have. The point is you are not just doing something for the school, it is a better solution to the sidepath through the urban area that just looks like a wide sidewalk along Industrial Drive. It gives it a little character and is a link in the chain that is needed to make the vision become a reality. Mr. Downey stated that these owners have been very good to work with at this point.

Council Member Taylor noted that it looks great and as we do this investment, one thing he would like to have upfront. There are 66 parking spaces available in front of school and he understands there could be buses there every weekend that might be treated a little differently, but he would like to have access for people to go to that outdoor classroom area (as long as they do not trash that area). It is important that we have an understanding that if we are going to put the investment in there, we want access to the parking lot. There are 66 parking spaces that could potentially be used by the soccer people or an event up front. He would like to have it very clear up front.

Mr. Czar stated we are talking with developer about some form of agreement between us and them to work out some of the details. Staff needs consensus to move forward and pursue it and it was unanimous to move forward. There will be several opportunities for an off-ramp if

needed. Mayor Mann added that we are not binding the City; it is just a consensus to move forward with the developer's agreement and Council will see what is brought back; it will change Kendale for the better.

Council Member Williams asked about the chain link fence and the walking trail. He asked if people would have access to the school with the walking trail because his concern is the safety of the kids on the campus. Mr. Downey replied that the design has been shared with the school and they will have some sort of fence to secure their campus and keep it separate from the public space. They felt comfortable with the fence around their parking area and around their building that would separate it and secure the site. He stated that they are trying to get something more attractive instead of a standard chain-link fence.

Council Member Buckels asked if the company was 100 percent comfortable with conveying the property in red to the City or was this something they did not see; they may need this to expand or are they just 100 percent comfortable with conveyance to the City. Mr. Downey replied that no they are not 100 percent comfortable with any of that but they are comfortable to continuing to negotiate with staff to get into those details. Mr. Downey felt they were comfortable working with staff; that the space they really don't need out front would be great for them; and it would be a great relationship between the City and them that we could come up with this public space the City could use for its citizens and at the same time, be comparable with they have. We have to work through those details.

Council Member Buckels stated he likes the idea but the idea of it being in front of the school in that area, he is struggling with it. He has a problem with the usage in front of the building with a public area in front of the school. Mr. Buckels agrees with having a green space there but he has a problem with the design for the usage; it is a safety concern. Mr. Downey replied that they are still working with them and will come back to Council to see if they are comfortable.

City Manager Hegwer said to clear up some things, we were seeing a lot of people who were interested in developing along that corridor/Kendale Plaza. Staff has worked on this project for years. We were concerned that we realized different entities owned that whole corridor. We were concerned that you would not have much continuity of everybody doing their own projects along the corridor and no one is talking with each other and that is how we became involved. When staff saw the school moving first, that they were planning to leave that area (asphalt) they thought that was an opportunity for us to consider doing some things within the right-of-way that would make that a more aesthetic-looking area.

Council Member Williams asked that we keep our "WOW" affect. Mayor Mann stated that the opportunity came and staff will bring back with a more definitive plan and we all agree something is better than we have now.

Bond Assessment

Mayor Mann informed Council that as of 3:30 PM today, he was informed that applicants for the assessment bond financing are moving forward with the project (Galvin's Ridge and Laurel Oaks) without that financing in place.

Consider SAFER (Staffing for Adequate Fire and Emergency Response) – (Exhibit D)

City Manager Hal Hegwer stated that the reason this item is on the agenda is because we have a deadline and this was discussed extensively at our retreat. As the Northview area continues to grow as we have the Central Carolina Enterprise Park, Galvin's Ridge on the horizon, so we felt the need for manpower there to provide a service that is consistent with our other citizens currently in the City. Staff's recommendation tonight is to proceed with this grant if Council is comfortable with it and the deadline is Friday. The grant would allow us to hire nine, full-time firefighters, that we would work in conjunction with the Northview Volunteer Fire Station for their placement. The grant would pay for 75 percent of the cost for the first two years and 35 percent for the third year. Fire Chief Wayne Barber is available for questions. It is our intent to apply for the grant; we need this grant and you will see this in the budget. We plan to have 3 months of compensation for those firemen in the budget for this coming budget, along with equipment, clothing, etc. to accommodate those nine additional firemen.

Mayor Mann added that the development of Galvin's Ridge and Laurel Oaks is moving forward and reminded Council to be mindful of the closed session discussion and if it is needed to be discussed further, we can do so in another closed session.

Council Member Taylor stated that we currently have some vacancies. Will those positions be filled immediately, or will we apply for those as well and how realistic is it to get nine in this grant and if we do not get nine, what is our response in fulfilling those positions and obligations?

Fire Chief Wayne Barber replied that the possibility of getting nine is very real. We would either get the grant for nine people or we would not get it at all. Nine is not an unusual number; some departments applied for 18 to 20; Fayetteville is applying for 18 to increase their manning on their engines in their city. This grant will not be awarded until the end of year. Then, we would go through the hiring process. We would anticipate, if approved for the grant, it would come back to Council to use the matching money and move forward with the hiring process at that time. At this time, we have one vacancy and it was put on hold due to not having to have candidates together with this COVID pandemic. We have only one vacant position at this point in time. We are looking forward to moving ahead as soon as we can figure out the best way to have all candidates spread out to get them through the process of testing and agility tests. This is federal money through FEMA.

Mr. Hegwer stated that if we do not get the grant it is a problem. Obviously, we will have enough funds in the budget to accommodate it. We are counting on the grant; if we do not secure the grant, then we have a different issue. We would have to come back and reassess everything we are talking about because if you have you have the paperwork in the agenda, it is quite expensive to hire nine firefighters. We have spoken with the Northview Fire Department on how we can work with them and we have a plan. We will point out the issue of how we are growing over time and hopefully, improve our chances of receiving the grant.

Council Member Taylor asked if there is there any provisions that will allow some allocation of money to help out, not just with land, or a purchase of land, but possibly some type of grant program or sponsorship with our Fire Departments. He said it is not uncommon in a lot of areas; there was a development in Clayton and they did that with their fire department. They

had some support from the development community; not in just in allocation of land but they had funding that helped fund the labor in the fire department. Is there a provision being discussed as we work through these developer agreements with these new neighborhoods? Mayor Mann replied that he is not aware of anything. Mr. Hegwer replied that he did not hear everything, and asked for clarification. Mayor Mann stated that he felt Mr. Taylor is asking if the developer is willing to do more than just donate land for that area. Mr. Hegwer stated that the developers have worked with them but the last site that was identified was a more desirable site and it was one that would connect two roadways together in that community. A lot of large-scale developments will try to do something to assist the local fire department, or rural fire department to be successful. This is something we can discuss. Mr. Gaskins added that if Mr. Taylor could get a copy of that agreement and distribute it Council Members, that would be good. It was the consensus of Council to move forward with the application.

Consider Automated Meter Reading Pilot Update

Financial Services Director Beth Kelly updated Council on the Automated Meter Infrastructure pilot update Council approved. We have completed Phase I with ordering of the meters. This is the program Council approved where we are going to place the different types of meters and transmitters off of the Spruce Street water tank site, then we will collect the data from 60 to 80 different meters electronically and then, we will see how the information comes in, the accuracy, the different types of data it provides staff, in order to make better decisions, going forward, about the different types of meters that we want to put in for infrastructure. We have completed Phase 1, which is ordering the Neptune meters, which is the first set of 20 to 30 meters that will be placed. We have received the parking sensors (because this was also included) that we will have Downtown parking sensors as part of this. This will come through the lower one enabled network for smart city devices. The target date is May 29 to enable the gateway at the top of the Spruce Street Water Tank; June 5 is their goal to install the 20 Neptune meters, which is the first part of the phase and the lower enabled transmitters; then by June 5, they hope to install 70 parking sensors at preselected locations within the Central Business Tax District area. By June 26, they are scheduled to have all the installments of the Mueller and the sets for the devices. She will bring information back to Council as staff gathers more information from those meters.

Other Business

Mr. Taylor referenced the SAFER grant. Mooresville Fire Dept has benefitted from the aviation presence and do not know how we can use leverage with the Raleigh/Exec Jetport as potential leverage for federal funding on an airport for fire protection. Mooresville has a state-of-the-art fire department and it is a little different when you have an international airport just a couple of miles down the road. It may be an opportunity that we can leverage if we have not done so.

Mr. Hegwer reminded everyone that he will be making a presentation on the FY 20-21 budget at next Council's meeting. We have become accustomed to how the electronic meetings work and hopefully we will be back to normal meetings to hold public hearings soon. We are still making preparations as to when City Hall can open back up and we are moving towards having those things in place to be safe as possible for staff and the public.

Mayor Mann stated that he feels the format is working and appreciates everyone's efforts and energy. Please let him know if he can do things better with the electronic meeting. He is

very pleased on how the Council, staff, agencies and citizens are working together and they have optimism and energy as we try to reopen. We need to continue to wear masks, and it says that you care and want people to take your health and safety seriously. We are committed to getting Sanford reopened, as long as we do it within the law and we are committed to doing this as aggressively as we can without jeopardizing public safety. If we get too carried away, he will impose orders, as much as he is allowed to, to bring us back in line. He is excited about what Kelli Laudate is trying to do with the restaurants Downtown. He said that the SAGA is working on this hashtag, "Sanford Safe" and encouraged everyone to get familiar with the program because it is a checklist endorsed by the retail federation that the Chamber works with. It lets the people know that particular business is in compliance and safety. We could reopen this community tomorrow and if you are not safe or feel safe going into it, it does not matter. There is a lot of people who will not frequent that business if that business is not safe. We want our citizens to feel safe in City Hall. There are several businesses that will close May 22 and our prayers are with these businesses. Some businesses will rebuild and make it better. Our job and role are to be that provider where we can create an environment of encouragement and do what we can to reopen slowly and safety.

Council Member Sam Gaskins made the motion to adjourn. Seconded by Council Member Salmon, the meeting was adjourned unanimously by a roll call vote.

Respectfully submitted,

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

**SANFORD CITY COUNCIL
BUDGET WORK SESSION**

Tuesday, May 26, 2020
Sanford Public Works Service Center
601 North Fifth Street, Sanford, NC

The City Council held a work session on Tuesday, May 26, 2020, at 6:00 p.m. in the Assembly Room of the Public Works Service Center. The following people were present:

Mayor Chet Mann	Mayor Pro Tem Byron Buckels
Council Member Sam Gaskins	Council Member Jimmy Haire
Council Member Charles Taylor	Council Member Norman Charles Post, III
Council Member Rebecca Wyhof Salmon	Council Member James Williams
City Manager Hal Hegwer	City Attorney Susan Patterson
Management Analyst Holly Marosites	Deputy City Clerk Vicki Cannady
Financial Services Director Beth Kelly	Senior Budget Analyst Cindy O'Quinn

Absent:

City Clerk Bonnie Davis

Mayor Mann called the budget work session to order and noted that while this is an unusual budget year, he has been spoken with Sanford Area Growth Alliance representatives and others who agree there is reason to be hopeful going forward.

City Manager Hal Hegwer recapped the budget summary for the General Fund, Municipal Fund and Municipal Service District (as shown on the attached exhibit) and explained that staff will review revenues later in the year due to uncertainties related to the COVID-19 pandemic with sales tax revenue. He suggested some decisions may be delayed until more information is available. No increases in funding are recommended to outside agencies (Temple Theatre, Railroad House, Arts Council, SAGA, Downtown Sanford, Inc.). Recommended funding for the homelessness initiative remains unchanged but staff has reached out to the County to encourage them to contribute; however, if they decide not to, he will return to Council since staff is not comfortable absorbing all of the costs. No increase is recommended for health insurance premiums but there was a state mandated increase for retirement contributions. While no salary increases are recommended at this time, he advised Council that he would like to revisit the issue after the first quarter of the new fiscal year. He commented that there is continued pressure with hiring, particularly in the police department. Staff has made an effort, along with the Triangle J Council of Governments, to recruit personnel and increase salaries as we compete with other nearby communities.

Council Member Williams stated that he was in favor of salary increases and questioned whether a cost-of-living adjustment (COLA) was possible, particularly since county employees are receiving raises. Mr. Hegwer confirmed that the County has proposed giving employees a 2.1 percent COLA and they have had salary studies done recently. He explained that COLAs help keep minimum salaries up but provide little separation for long-term employees. Council Member Taylor questioned how the City could address salary compression in key positions, such as Permitting, and how to compete with salaries offered nearby. Mr. Hegwer explained that we really can't compete without a merit system to reward long-term employees and cited an example: we could not attract a Building Inspector III because the salary to draw qualified applicants would have exceeded the salary of the department Administrator.

Without a merit system, there is little difference between a one-year employee and a ten-year employee. Several Council members suggested we analyze the impact of having no merit system in place and the financial impacts. Mr. Hegwer stated that a one percent COLA would cost about \$250,000, with about \$182,000 of that from the General Fund. Council Member Post questioned whether we could consider using from revenue from the ABC board, since it was more than originally anticipated. Mayor Mann noted that merit increases are based on job performance and not all employees would not qualify.

Council Member Haire questioned whether changes should be made to our recycling program. Mr. Hegwer responded that we could do some research but we could try to provide additional education to residents on what should and should not be placed in the recycling bins.

Council Member Taylor questioned whether there are any signs of changes in County participation on joint ventures such as SAGA or the Buggy Building that would affect the City's budget. Mr. Hegwer responded that he has heard nothing of concern other than they may not fund the homelessness initiative.

Mr. Hegwer reminded everyone that the issue is uncertainty with revenue and there are three months between the time sales tax is paid and we receive it. Council Member Salmon agreed that delaying decisions on salary increases and capital purchases is the prudent thing to do; however, if we delay some purchases, such as the shed for the golf course, it may cost more in the long run (since the carts may be damaged). Financial Services Director Beth Kelly stated that he would compile a prioritization schedule detailing milestones and triggers and agreed that it will be several months before we know how sales tax receipts for April and May will impact the City. She has a short list of what she proposes to finance since interest rate are near historic lows. Departments rank their capital priorities and her decisions typically agree with theirs. Rolling stock purchases can be done without GLC approval but repairs to the Municipal Center building cannot. Mr. Hegwer reminded Council that the windows at the main entrance have condensation and need to be replaced and security enhancements are needed to the Service Center. These items could be combined into one transaction in the next three to six months. Mrs. Kelly also stated that there has been a decrease in personal property listings and valuations and noted that tax receipts may decrease this year if businesses close or file bankruptcy and that information may not be available until December. She also noted that interest rates on certificates of deposit are very low – in the 0.15 to 0.25 percent range – and this reduces the City's interest income

Regarding recreation services, Mr. Hegwer stated that citizens have used the golf course and greenway a great deal during the pandemic but parks remain closed per Governor Cooper's orders. The splash pad and playground at Kiwanis Family Parks will likely remain closed because of the need for social distancing.

Regarding funding assistance, Mr. Hegwer explained that the City has submitted a request for funding available through the County from the federal government CARES Act. Of the \$224,000 received, \$188,000 will be used for structural items, such as plexiglass at the Revenue Department, Service Center and Buggy Building, and \$36,000 for personal protective equipment and cleaning materials. We have requested reimbursement for masks, gloves, sprayers, electrostatic cleaners, general cleaning materials and related items and reimbursement will also be sought through FEMA.

Regarding the impact COVID-19 has had on payments, Mrs. Kelly explained that has been an increase in payments received through the Charlotte mailbox, online payments, check free stations (especially the Piggy Wiggly grocery store), and the City's drop box. To date, 1,200 accounts are unpaid

since Governor Cooper's moratorium on utility cutoffs and late fees. Plans call to give customers six months to repay those balances less than \$500 and complete details will be provided to Council when established. She also noted that the time frame may be extended beyond July 31 and a sample bill will be posted on the City's website showing current charges and prior balances so clients will be aware of the difference. Mr. Hegwer explained that the Municipal Center building will likely remain closed to the public but people can make appointments. A new position has been requested for someone to allow people into the building when it reopens, wipe down doors and common areas and ensure citizens are properly distanced.

A brief recess was taken at 6:55 p.m. and the meeting was reconvened at 7:10 p.m.

Mr. Hegwer explained that a five percent increase has been proposed in the Utility Fund for water and sewer accounts effective September 1. There will be some large capital expenses (water treatment plant expansion, sewer remediation projects, addressing problems during heavy rains) and this increase will hopefully prevent larger increases in the future. The water treatment plant expansion is needed to prepare for anticipated growth and it will be a major project; however, we have parties who are interested in becoming partners and there may be more. He reminded everyone that system development fees are also included in the budget and along with a \$20 increase in the solid waste fee, the majority of which is due to an increase in Waste Industry's recycling charge. Council Member Taylor stated that as long as we are providing the service as efficiently as possible, we should cover all cost increases. Mrs. Kelly explained that costs are analyzed annually and the Public Works department tracks costs for labor, vehicles, etc. Mr. Taylor questioned whether we should include costs incurred in the last few months as a "worst case" scenario but Mrs. Kelly explained that would likely have to lower it next year since we cannot charge more than the cost to provide the service and the cost won't likely be as high in the future as in the past two months and that is why we try to keep it level. Mayor Mann noted that there was consensus to consider an increase in the solid waste fee based on increased costs to provide the service.

Regarding the Municipal Service District, Mr. Hegwer explained that no tax increase is proposed and the property owners did not request one.

Mayor Mann questioned whether more information on the budget was needed by Council before the next meeting and Council Member Taylor requested more information, which Mrs. Kelly agreed to provide. Council Member Gaskins commented that very few items caught his attention. Council Member Post stated that he anticipated a proposed tax increase but that was before the pandemic. Council Member Salmon suggested an Interlocal meeting be held soon. Council Member Williams suggested another look at funding employee raises but Council Members Gaskins and Salmon suggested we wait until additional revenue information is received. Mayor Mann agreed that it would be prudent to wait and reminded everyone that DOT will be reducing their funding and that will increase our costs.

Mr. Hegwer commented on all the projects moving forward in our area; they all want to be at the front when the economy picks up and they are holding on to valuable staff. He suggested we consider resuming the merit system and Mayor Mann agreed it was the perfect time to do so. He explained that the next Council meeting is scheduled for June 2 and staff thinks it could be held in the Public Works Assembly Room with social distancing protocols. He also suggested that the next meeting could possibly be held in Council Chambers with limited capacity, if Council is comfortable, since its sound and recording systems work better for public hearings. Mayor Mann suggested a 4:30 p.m. budget workshop be held before the June 2 Council meeting and encouraged everyone to wear face masks. Mrs. Kelly agreed to provide information on capital requests and short-term COVID-19 related expenses. Council

Member Taylor questioned whether we should be more aggressive on capital purchases with low interest rates and Mr. Hegwer explained that two options would be presented. Mayor Mann stated that he would like to see the capital budget work harder this year and use it to position the City to come out strong next year.

Council Member Gaskins commented that about \$40,000 was saved on lower fuel prices. Mrs. Kelly confirmed we purchased as much fuel as possible and due to concerns about potential plant closings, staff also stocked up on tires. She also confirmed that staff training has been reduced in anticipation of ongoing COVID-19 concerns.

Mayor Mann noted that he has asked the City Manager to research when public hearings on rezoning requests can be resumed since he has received several phone calls from builders and developers. He also reminded everyone that public hearings will be needed on UDO updates.

Council Member Haire commented on the fact that enforcement on sales tax collections appears to be lax. He also mentioned that many residents have questioned what the future holds for the Riverbirch Shopping Center; plans continue to move forward on the new Valenti's restaurant in Jonesboro; dust is again a problem on Globe Street near the Hallman Foundry; and questioned what was causing the increased activity at the water tank near the post office. Regarding sales tax collections, Mrs. Kelly stated that when our finance department is audited by the Department of Revenue, they analyze vendors in an effort to audit whether they collect sales tax and auditing local governments helps them locate violators. She also stated that transmitters for the automated meter program are being installed at the water tank.

Council Member Buckels questioned why COVID-19 testing was being held in the Deep River area, rather than a more central location. Mayor Mann explained that decision was made by the County Health Department and he was not sure why it was selected.

Adjournment

Mayor Pro Tem Buckels 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.

T. Chet Mann, Mayor

Vicki R. Cannady, Deputy 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, June 16, 2020, at 6 p.m., in Council Chambers. The following people were present:

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

CALL TO ORDER

Mayor Mann called the meeting to order. Mayor Mann noted that this is our first meeting back at City Hall. We are practicing social distancing with the seating marked off. He asked that after an individual speaks and would like to leave, to please exit the room toward the Water Department. In case of an emergency, the Fire Marshall said the social distancing rules would be disregarded during an evacuation.

Mayor Pro Tem Buckels led the invocation. The Pledge of Allegiance was recited.

PUBLIC COMMENT – (Exhibit A)

Mayor Mann stated that public comments are limited to three minutes.

Randy Johnson, residing at 15 Arden Court in Lillington, North Carolina. He grew up on McIver Street and Goldsboro Avenue. He spoke regarding 223 Hillcrest Drive. Attorney Patterson stated that this is public comment period and not the public hearing for the case on Hillcrest Drive. Mr. Johnson agreed to wait and speak at the public hearing.

Kim Lilly, residing at 1101 Wynns Road, Sanford, N.C. She is here to ask to expedite the permitting and the zoning with regards to WBFT - TV46. They are moving towers due to the FCC removing them from the spectrum of 46 to 36. They are relocating from where they have been for 31 years. She is asking that when this matter comes up, it will be Crown Castle, and if they can move it, she is less than a 30-day deadline with the FCC to try to get the station back on the air. It has taken her an entire year to find a tower that could meet the budget needs for the TV Station.

APPROVAL OF AGENDA

Mayor Mann requested that a Closed Session be added under Other Business and to add an under New Business as Item 11-K-1, Resolution Expanding Membership of the Commission on the Opioid Abuse Epidemic.

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

CONSENT AGENDA

Consider Approval of Meeting Minutes – Electronic Council Meeting of April 7, 2020 (Filed in Minute Book 101)

Consider Approval of Meeting Minutes – Electronic Council Meeting of May 5, 2020 (Filed in Minute Book 101)

Consider Approval of Meeting Minutes – Special Electronic Council Meeting of May 11, 2020 (Filed in Minute Book 101)

Consider Approval of Meeting Minutes – Electronic Council Meeting of May 19, 2020 (Filed in Minute Book 101)

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

SPECIAL AGENDA

No items under Special Agenda.

CASES FOR PUBLIC HEARING

Consider Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 2208 Buchanan Street, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$4,675 for Demolition of the Structure, Removal of Debris, Grading and Seeding (Exhibit B)

Code Enforcement Officer Barbara McMillian explained that the property is vacant, abandoned and unsecured. There is evidence of trespassing and vandalism. There have been nuisance violations for overgrown grass that has been abated by the City. Code Enforcement has received no response from the owner, nor has the owner taken any action to abate any of the violations. Therefore, staff is requesting approval of an ordinance for demolition of the structure.

Mayor Mann opened the public hearing. The case has been on-going since 2014, at which time, she became the Code Enforcement Supervisor. It has been vacant for at least ten years. With no one requesting to speak, the public hearing was closed.

Council Member Gaskins made the motion to approve the Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 2208 Buchanan Street, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$4,675 for Demolition of the Structure, Removal of Debris, Grading and Seeding. Council Member Rebecca Salmon seconded the motion and it carried unanimously.

Consider Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 223 Hillcrest Drive, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$11,950 for Demolition of the Residential Structure, Removal

of Debris, Grading and Seeding. The repair or demolition of the retaining wall is estimated to be \$51,275 and will be awarded at a later date. (Exhibit C).

Code Enforcement Officer Barbara McMillian explained that the property is located in the Rosemount-McIver Historic District. It is a fire damaged structure that has been vacant for several years; there is evidence of trespassing and criminal activity. There is a retaining wall on the property that is structurally unstable. Although Code Enforcement has had some response from two of the heirs of the deceased owner; to date, they have not taken any action to either repair or demolish this structure. Staff has had to secure the building on at least two occasions. Staff is requesting approval of an ordinance to demolish the dwelling structure and to either repair or demolish the retaining wall, whichever action is determined to be most feasible. We hired a consultant engineer to prepare a preliminary cost estimate for repair of the retaining wall and he is present for any questions.

Mayor Mann opened the public hearing.

Nancy Gustafson, residing at 217 Hillcrest Drive stated that she and her husband have lived next to this house and over eleven years ago, this house suffered its third fire. Over a year, this house has suffered three fires. Since that time, the owner, Kristine, told her on six separate occasions that she had a buyer for the property. After Christine's death, her daughter, Rachel, told her on one occasion that she also had a buyer, and then on a second occasion, that she and her husband could not decide whether to sell the property or fix it up themselves. None of these plans came to fruition. On two occasions, she had the opportunity to speak to the contractor considering purchase. Both contractors told her that the house would require too much financial cost to repair and bring it back to historic standards and, therefore, it was not financially feasible for them to purchase. Both contractors told her the house would cost too much to repair. During the last eleven plus years, they have had to call the police on numerous occasions due to people entering the house illegally. Litters of kittens have been dropped off at least three times and they have been startled/awakened twice by noises that upon further inspection in the morning, turned out to be large heaps of trash dumped on the sidewalk in front of the property. The property has been an eyesore and there are a lot of safety concerns. She asked Council to demolish the property.

Randy Johnson, residing at 15 Arden Court, Lillington, North Carolina, stated that he has a friend/investor and they were out riding around and he saw the house. They did not know the story about the house and he understands that it has been going on for a long time. He has seen old homes brought back to life and restored. This property needs restoration and there is a buyer. He is not directly involved with the sellers. A local attorney is working on getting the details worked out so that they can move forward with restoring the home. He is seeking a 90-day stay where they can make something happen. He has a gentleman that has actually restored four homes in Lee County and two of the homes were burned. The potential buyer bought a home on 618 Oakwood Avenue that was in disrepair and restored it. He bought the home for \$18,000 and sold it for \$120,000. Everything was brand new in the house. This gentleman repaired another home at 2409 Dover Street, 215 Circle Avenue and another fire damaged home at 909 Tanbarkway. Mr. Johnson stated that he would not be involved with this project at 223 Hillcrest Drive other than help expedite the process of changing hands and getting the right person to restore the home and bring it back to its historical significance. Mr. Johnson went in the home about 35 years ago when he worked with Terminix and he did free home inspections. The house has good "bones"

in it and has floor joists that are 12 inches on center. There is a lot of material in this house counting the brick and lumber. You will lose the tax base if it is demolished and not restored. If demolished, this property becomes a burden on the City with the cost of demolishing it and repairing the retaining wall. The gentleman who would like to purchase it is ready to move forward; however, they need time to resolve the paperwork. A local attorney is working on the process now. They are requesting a 90 day stay. The majority of people he has spoken with would like to see it restored.

Council Member Taylor said that he used to live on Summitt Drive and is very familiar with the home. In the past, Council has allowed some grace with some homes and it did not work well. He heard 90 days and six to seven months to complete it; what assurances are there that it will be resolved in 90 days and are you prepared on the 91st day that if it is not restored, that we can proceed with tearing it down. Mr. Johnson replied that within 90 days, the dead/damaged trees and lot will be cleaned up and will give time for the individual to get the proper permits and start on the project. There are a lot of things in the house that need to be hauled out but the gentleman is ready to start as soon as he gets a clear title. There is an offer to purchase on the property. Mr. Johnson said that he cannot guarantee what someone else will do but he can only speak on what he has seen this gentleman do in the past. This purchaser brings in multiple crews and works hard to get it done quickly because he does it for a living and makes a profit on it. He felt the title issue should be cleared up within 30 days and the purchaser can start working.

Mr. Taylor stated that this house has been an eyesore for eleven years, and he also believes we should preserve historic structures whenever possible. However, he is not sure that it is feasible when looking at the numbers. Is the purchaser aware that the home is located within a historic district and he has to go before the Historic Preservation Commission to get things approved in the process? Mr. Johnson said he felt the purchaser was aware of it and it will cost quite a bit of money to repair this home. As far as assurances, he has a lot of faith in the purchaser to renovate the home.

Mr. Taylor asked Mr. Johnson if the guidelines are not met within 30 days, are they prepared to tear the house down? Mr. Johnson replied that once you take possession of the home, you get the permits you need and start the process. If you have 90 days to get the renovation started and you get the ball rolling, you should get the project complete.

Council Member Gaskins asked if the potential investor has a rough estimate as to what it will cost to restore the building? James Siler, residing at 1624 Crepe Myrtle Drive and a local real estate agent, has been working with the investor for a while to purchase the house. Mr. Siler felt the investor has an estimate; this is what the investor does. Mr. Gaskins asked what is the cost? Mr. Siler replied that he has not been told any figures to rehab the house. He has no numbers to share tonight. Mr. Gaskins felt if it would cost \$250,000 to restore the house, he would like for a bond to be issued to protect the City on failure. Mr. Gaskins felt if the investor puts \$250,000 in the house; he did not see how that investment would be rewarding to the individual if he has to sell it for \$300,000 or more in that particular location. Mr. Siler noted that the bones of the house are solid. There are specific areas where the house has been burned but when you walk in the basement, you can see the floor joists and they are not even charred or burned. Mr. Siler

asked Council to ride down Circle Avenue and he won't even have to give the address; you will know the house the investor rehabbed by the way it looks.

Mayor Mann requested Engineer Ken Bright to address the wall. Mr. Bright, stated that about 20 to 25 years ago, he went to see the same wall and it started to fail at that particular time. Now, the wall has failed by about 60 percent – 90 feet along the wall. It appears that they took the block in the wall and stacked them with a mortar to help hold the bank back. You don't really see anything behind the wall that would indicate that it has moved recently. This wall has been moving for 25 years and it may have moved five inches or so. The problem is they do not know how the wall is constructed because water has gotten underneath the foundation and behind the wall; tree roots may be pushing out on the wall itself. The sidewalk in that area slopes from the street side down to the bottom of the wall, so it would appear that the settling along with the wall and maybe some of the foundation materials have washed out. There is no way to tell unless you start to work on it. He got an estimate from some contractors and Butch Oldham was one of them. The wall will eventually fail.

Community Development Director Marshall Downey clarified that 223 Hillcrest Drive is in the Historic District because they had to take this item to the Historic Preservation Commission for their approval for staff to demolish the house.

Mr. Taylor clarified that if we demolish the house at a cost of \$11,950 and repair the retaining wall at a cost of \$51,275; would it be a lien against the property and Mr. Downey replied yes. Staff filed a lis pendens with the Register of Deeds Office so if someone was interested in doing anything with this property, they would be put on notice that this action was going forward with consideration by this Council for a demolition order.

Ron Gustafson, residing at 217 Hillcrest Drive, reiterated the comments made by his wife, Nancy Gustafson. He requested that the structure be demolished. They live next door to 223 Hillcrest.

Bob Hildreth, residing at 41 Knollwood Lane, Broadway, North Carolina, noted that he and his wife have just moved to Sanford because they love it. One of the things he loves about it is that he can come and speak to Council and explain to them that he can see 223 Hillcrest being a beautiful beacon of light on top of the lot. They have the best guy to renovate it as far as fire damage and stone work, and he is ready to go. The investor has been through the house. Mr. Hildreth added that he has been through this house with a guy that is a contractor and he noted that 70 percent of the bones of this house are solid. Attorney Eddie Winstead is working on finishing up the paperwork. He knows that eleven years is a long time but he felt the history and value of this property to this city is valuable. All they are saying that in 90 days and on day 75, he would like to invite Council to visit the property and he would take them for a tour. If you cannot see from the lot outside and walking through it that they are making progress, then he will bring the first sledge hammer. He is requesting 90 days to make it happen. When Council asked for assurances, he can give them his word and that is a lot; his word has always been his bond.

Jennifer St. Clair, residing at 213 Hillcrest Drive, requested that the house be demolished and the City repair the retaining wall. The house is two doors down from where she lives with her

husband and kids. She stated that no one has taken care of the structure, retaining wall, and trees. For nearly eleven years, people have had to deal with an abandoned, boarded up, unsightly property, but also unwanted pets are being abandoned there, squatters, kids breaking into the house and criminal activity.

Billy Liggett, residing at 213 Hillcrest Drive and husband to Jennifer St. Clair, reiterated a lot of the facts that this wife just stated. He is speaking on behalf of the entire historic district; it is not only this house but there is drug activity that they see in the neighborhood. He said 90 days does not sit well with them because it does not give them a sense of security that they are going to follow through with the project. Ninety days means more meetings, going before the Historic Commission and then 90 days becomes a year and eventually, they are at 20 years and the house is still standing. He asked that the house be demolished.

Mr. Taylor added that he is not opposed to the bond that Mr. Gaskins mentioned, because they need some type of assurance that the work will be done in 90 days. If not, the house is coming down and the bond is forfeited.

Mayor Pro Tem Buckels noted that he respects everyone's opinion and Mr. Johnson canvassed the area and had some opposition and most were okay with it, but he wished the individuals who are okay with it, would have come and talked with him. All of the people he has spoken with are in opposition because it has been eleven years, and now someone is asking for an extension.

Mr. Taylor asked counsel about the question of having a bond for the renovation from the requestor. Attorney Patterson replied that as she understands it, the requestor has no interest in the property at this time. He has no deed to the property and is not in the chain of title. So, this would be a third party asking for you to grant an extra time in order to get into those shoes. One of the reasons it took so long, is there are title issues with the property. There was a deceased; there were issues with heirs and finding heirs and getting them served. In order to do this process, Mrs. McMillian has to have a hearing, issue a finding-of-fact, have them ordered to do something about it, and when they fail to do it, staff will seek action to get these steps in place. If the property changes hands to a new order, the process would be repeated so Ms. McMillian would have to start over with the finding-of-fact and order. Ms. McMillian said in this case, they filed a memorandum of lis pendens in the clerk's office which puts any subsequent buyer on notice of the pending action and the violations that need to be corrected, whether or not the process would have to start over, is not clear to her from the minimum housing and unsafe structure statute. It is her understanding that it would not, because they have been put on notice, but she would refer it back to the City Attorney to look at it and see the status. It does put any perspective purchaser on notice of the conditions and the outstanding order of the code enforcement officer.

Mr. Taylor thought that Council had set a precedent with a previous property in the last year and asked if there was any danger with setting a precedent. Attorney Patterson noted that each case stands on its own merits; it is entirely in the discretion of Council as to whether you grant a stay. Mr. Taylor questioned whether you could hold them to a bond that could be forfeited if the criteria has not been met. Attorney Patterson replied that she is not familiar with a bond used in this instance other than a demolition bond, which is a small bond in the amount of \$500. It sounds

like Mr. Taylor is asking for a contract-sponsored bond and she would have to look into it to see if it is an appropriate tool in this instance. Attorney Patterson replied that she is not comfortable in saying Council can proceed with this type bond. Mayor Mann asked how would you determine the amount of that bond? Attorney Patterson replied that it depends on what you want it to back/cover. The insurance company would have to say that they are indebted to the City of Sanford for the amount to insure the progress or work. It is almost like a performance bond. Mr. Taylor added that it would give an assurance that the work would be done and secondly, he did not see the property being a sellable lot with \$51,000 plus to repair the wall and remove trees if the buyer fails to renovate the property.

City Clerk Bonnie Davis stated that Sharon Spence submitted a letter (in the agenda packet) requesting that the property be demolished.

Bob Hildreth stated that there is one piece of paper that a sibling in Pennsylvania has to sign and Eddie Winstead is handling this matter. If that piece of paper is not signed within two weeks, then we process for the heir who is here, Rachel, to have full possession of the property. She has a hand-written will.

Phillip Leak, residing at 1001 Garden Street, stated he is present to speak on behalf of cultural people primarily African-American people. Mayor Mann informed Mr. Leak that this public hearing is for the demolition of the property on 223 Hillcrest Drive. Mayor Mann stated that Mr. Leak could come back at another meeting and speak or asked to be on the agenda to make a presentation. Mr. Leak replied okay and he would be back.

Shay Benton, residing at 549 Summitt Drive, stated that her driveway faces the house. She would like to see the house restored but she is very spectacled because there have been 4,000 days and yet to see any reproof that the house will be restored. She asked is there any business plan; do we know the financing is secure; do we know if the Historic Commission will approve the plan in place? There are a lot of unopened questions that this house will be restored.

Randy Johnson stated that they were not present six months ago and were not involved in it; however, he has complete confidence in the person who is wanting to purchase the property that it will be restored. He cannot make a promise for someone else because this is not his money but he has some time in it. He loves old houses and would love to see the home restored. They just need more time to get the deed signed and the purchaser can move forward.

Council Member Taylor suggesting tabling the issue to the next Council meeting because he has heard two weeks to get the deed signed; he would like to know about a construction bond to fall back on that would be forfeited if the purchaser does not come through with his request; and he would like to see what two weeks would do. After two weeks, then make a decision.

Mayor Mann closed the public hearing.

Council Member Buckels made the motion to approve the Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 223 Hillcrest Drive, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$11,950

for Demolition of the Residential Structure, Removal of Debris, Grading and Seeding. The repair or demolition of the retaining wall is estimated to be \$51,275 and will be awarded at a later date. Council Member Gaskins seconded the motion.

Council Member Taylor made a subsequent motion to table the matter until two weeks for a proof of a bond and or information regarding a bond and a resolution of the deed. Council Member Williams seconded the motion. Mr. Gaskins stated that Council does not have a rough estimate on what it would cost to refurbish the house and make repairs and he cannot imagine the cost being reasonable. He would demand to have a construction bond. Mr. Taylor stated that he can amend his motion that if we do not have that information to move forward with the construction bond within two weeks, that Council move forward with demolition.

Council Member Taylor amended his motion to include that if we do not have the information to move forward with a construction bond in two weeks, that we move forward with demolition. Mayor Mann stated that we have a subsequent motion and a second to table for two weeks to allow information on a construction bond and a resolution of the deed that would then lead to demolition in lieu of. The motion failed with a three to four vote. Members voted in favor of Mr. Taylor's motion were James Williams, Jimmy Haire and Charles Taylor. Members voted against the motion were Byron Buckels, Rebecca Salmon, Norman Charles Post III, Sam Gaskins. The mayor took a vote on the original motion by Mayor Pro Tem Buckels and seconded by Council Member Gaskins; the vote to demolish the structure passed with a five to two vote. Council Members Williams and Taylor voting against the motion to demolish. Voting in favor to demolish the home were Byron Buckels, Rebecca Salmon, Norman Charles Post III, Sam Gaskins and Jimmy Haire.

Mayor Mann called for a five-minute recess at 7:20 P.M.

Consider Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 116 McGill Street, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$5,300 for Demolition of the Structure, Removal of Debris, Grading and Seeding (Exhibit D)

Code Enforcement Officer Barbara McMillian explained that the property is a vacant, abandoned residential structure. There is evidence of trespassing and vandalism. The City has had to abate numerous nuisance violations for overgrown grass and assess liens. Code Enforcement has received no response from the owner, nor has the owner taken any action to abate any of the violations. Therefore, staff is requesting approval of an ordinance for demolition of the structure.

Mayor Mann opened the public hearing. With no one speaking in favor or in opposition, the public hearing was closed. Council Member Gaskins made the motion to approve the Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 116 McGill Street, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$5,300 for Demolition of the Structure, Removal of Debris, Grading and Seeding. Seconded by Council Member Taylor, the motion carried unanimously.

Consider Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 1015 San-Lee Drive, Sanford, NC, and to Award to Edi Sons, Inc.

Grading Contractors the Amount of \$8,450 for Demolition of the Structure, Removal of Debris, Grading and Seeding (Exhibit E)

Code Enforcement Officer Barbara McMillian explained that the property is a vacant, abandoned, and unsecured and there is evidence of trespassing and structural damage as the floors are collapsing. The City has had to abate numerous nuisance violations for overgrown grass and assess liens. Although Code Enforcement has had contact from the owner and he participated in one of the hearings by telephone, he indicated that he was unable to financially repair or demolish the structure. Therefore, staff is requesting approval of an ordinance for demolition of the structure.

Mayor Mann opened the public hearing. With no one speaking in favor or in opposition, the public hearing was closed. Council Member Gaskins made the motion to approve the Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 1015 San-Lee Drive, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$8,450 for Demolition of the Structure, Removal of Debris, Grading and Seeding Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Consider Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 520 Oakwood Avenue, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$5,800 for Demolition of the Structure, Removal of Debris, Grading and Seeding (Exhibit F)

Code Enforcement Officer Barbara McMillian explained that the property is vacant, abandoned, and unsecured and there is evidence of trespassing, as well as, structural damage, including work without permits. Although the owners have attended one of the hearings scheduled by Code Enforcement, they have indicated that they are financially unable to either repair or demolish the structure. Therefore, staff is requesting approval of an ordinance for demolition of the structure.

Mayor Mann opened the public hearing. With no one speaking in favor or in opposition, the public hearing was closed. Mayor Pro Tem Buckels made the motion to approve the Ordinance Directing the Code Enforcement Supervisor to Demolish the Abandoned Building or Structure located at 520 Oakwood Avenue, Sanford, NC, and to Award to Edi Sons, Inc. Grading Contractors the Amount of \$5,800 for Demolition of the Structure, Removal of Debris, Grading and Seeding. Seconded by Council Member Salmon, the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

There were no decisions on public hearings.

REGULAR AGENDA

There were no items under regular agenda.

NEW BUSINESS

Consider Capital Project Ordinance Amendment – to Close Amos Bridges Water Main Project No. W1803 (Exhibit G)

Financial Services Director Beth Kelly explained that the ordinance transfers a total of \$168,807 from three accounts to the project account to close the Amos Bridges Water Main Project

No. 1803 out for financial purposes for the audit. The proceeds that were left/unused of this bond proceeds will be moved into the next item – Hawkins Avenue Waterline Improvements Project W1303 since those bond proceeds are restricted to be used towards the four/five projects that we issued the debt for. It closes out and finalizes this project.

Council Member Gaskins made the motion to approve the Capital Project Ordinance Amendment – to Close Amos Bridges Water Main Project No. W1803. Seconded by Council Member Taylor, the motion carried unanimously.

Consider Capital Project Ordinance Amendment – Hawkins Avenue Waterline Improvements Project W1303 (Exhibit H)

Financial Services Director Beth Kelly explained that the ordinance transfers the remaining proceeds from the Amos Bridges Water Main Project No. 1803 in the amount of \$177,735, along with the appropriating interest income earned through this project of \$62,766; this will be used towards the Hawkins Avenue Waterline Improvements Project W1303.

Council Member Gaskins made the motion to approve the Capital Project Ordinance Amendment – Hawkins Avenue Waterline Improvements Project W1303. Seconded by Council member Williams, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget Fiscal Year 2019-2020 – Cleanup Amendment – (Exhibit I)

Financial Services Director Beth Kelly explained that this ordinance is a cleanup budget amendment for departments that will need money before the month end. Staff reviewed each department and these are funds that will be needed for close out of year end 2019-2020.

Council Member Gaskins made the motion to adopt the Ordinance Amending the Annual Operating Budget Fiscal Year 2019-2020 – Cleanup Amendment. Seconded by Council Member Williams, the motion carried unanimously.

Consider Resolution for Wastewater Treatment Plant Flood Protection Project – Big Buffalo Water Reclamation Facility Flood Prevention – Grant/Loan Application (Exhibit J)

City Engineer Paul Weeks explained this item and the next item together. Staff was putting together a grant/loan application for the Little Buffalo Creek sewer line rehabilitation. We had some sanitary overflows on Third Street and this will help us address up to the two-year storm. In the process of putting the applications together for the next item, it became apparent that we could prepare the same application for this item which is the Wastewater Treatment Plant Flood Prevention, (which is a berm). It would raise the berm to a height that would help prevent some of the flooding we have seen before. We currently believe we can be funded by FEMA; but we are trying to pursue all avenues because we might be able to receive a different type of grant/loan which is more beneficial to the City. These applications are due tomorrow; therefore, staff will need to deliver signed resolutions tomorrow. The current berm is at an elevation of about 233; when Hurricane Florence hit, it came up to 235. We are looking at different levels of mediation where we need to move up in order to move forward. We have engineers working on that particular project to design the height.

Council Member Salmon made the motion to approve Resolution for Wastewater Treatment Plant Flood Protection Project – Big Buffalo Water Reclamation Facility Flood Prevention – Grant/Loan Application. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Resolution for Little Buffalo Creek Sewer Line Rehabilitation Project Grant/Loan Application (Exhibit K)

Mayor Pro Tem Buckels made the motion to approve the Resolution for Little Buffalo Creek Sewer Line Rehabilitation Project Grant/Loan Application. Seconded by Council Member Taylor, the motion carried unanimously.

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

City Engineer Paul Weeks explained this item (Item F) and the next two items (Items G & H) are the financial instruments that are necessitated by Items I and J on the agenda.

Financial Services Director Beth Kelly explained that this reimbursement resolution would allow the City to issue debt and reimburse ourselves for up to \$1,615,000 related to this project.

Council Member Gaskins made the motion to approve the Reimbursement Resolution – Project Forge – Infrastructure Improvement. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Consider Ordinance Amending the Annual Operating Budget Fiscal Year 2019-2020 – Contribution to Project Forge Infrastructure Improvements (Exhibit M)

Financial Services Director Beth Kelly explained that this ordinance amendment would appropriate retained earnings in the amount of \$1,615,000 to this project.

Mayor Pro Tem Buckels made the motion to approve the Ordinance Amending the Annual Operating Budget Fiscal Year 2019-2020 – Contribution to Project Forge Infrastructure Improvements. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Grant Project Ordinance Amendment – Project Forge – Infrastructure Improvements (U2001) – (Exhibit N)

Financial Services Director Beth Kelly explained that this ordinance amendment shows the contribution of \$1,615,000 to this project, as well as the CDBG Grant of \$1,250,000, and Industrial Development Grant U-512 in the amount of \$500,000 towards this project.

Council Member Salmon made the motion to approve the Grant Project Ordinance Amendment – Project Forge – Infrastructure Improvements. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Award of Guaranteed Maximum Price for Project Forge Roadway/Waterline (Exhibit O)

City Engineer Paul Weeks explained that this is the award of a guaranteed maximum price for Project Forge Waterline and access road. As Council recalls for this particular part of the project, the City will be installing the road and waterline. We received a \$964,600 grant from the Department of Transportation (DOT) for the roadway. He has contacted the DOT about their

funding issues and they said they cannot look at reimbursing us before January 1, 2021. In December 2019, Council awarded the guaranteed maximum price on just the designer fees to Sanford Contractors. They completed the design; staff and the DOT reviewed it and we asked for more information, which is how the process works. They came back with a revised guaranteed maximum price is \$2,359,009.22; of this amount, Council previously approved \$45,000 for engineering. Therefore, staff recommends that Council award the construction portion of the Guaranteed Maximum price in the amount of \$2,314,009.22; \$964,600 of the \$2,314,009.22 is from the DOT economic grant.

Mayor Pro Tem Buckels made the motion to award the Guaranteed Maximum Price for Project Forge Roadway/Waterline. Seconded by Council Member Gaskins, the motion carried unanimously.

Consider Award of Project Forge Sewer Extension – Intermediate Force Main Extension, Phase II (Exhibit P)

City Engineer Paul Weeks explained that on February 27, 2020, staff opened bids for the Project Forge Intermediate Force Main Extension Phase II. This is to extend the force main from the airport lift stations to Little Buffalo, which frees up capacity in the Gum Fork lift station. These two are the last two projects for Project Forge. There were four bidders. ELJ, Inc. was the low bidder for the 20-inch force main at a bid price of \$3,348,395.40. Staff recommends going with a 20-inch force main.

Council Member Salmon made the motion to award Project Forge Sewer Extension – Intermediate Force Main Extension, Phase II to ELJ, Inc for \$3,348,395.40. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Consider Resolution of the Sanford City Council Expanding Membership of the Commission on the Opioid Abuse Epidemic – (Exhibit Q)

Council Member Charles Taylor explained that they have had some good dialogue and thanked Council Member Post for his work on this committee. They did a SWAT analysis and they still need to look at it. Two areas that are understated and evident in the SWAT analysis is they have a component with education, whether it be a guidance counselor, a teacher or someone in the school system and that position is not represented on the Opioid Commission. If you are going to reach kids, you need this conduit. Dr. Mauer as done a great job as the treatment representative; however, we do not have a post-treatment representative. We have three qualified applicants on the agenda tonight. Renee Bullard Liles meets the criteria for the post-treatment follow up representative but we need to have the education position. We need to cap the commission members at nine members. This resolution adjusts the voting membership on the Opioid Commission from seven to nine voting members, which will add two members.

Council Member Post made the motion to adopt the Resolution of the Sanford City Council Expanding Membership of the Commission on the Opioid Abuse Epidemic. Seconded by Council Member Salmon, the motion carried unanimously.

Consider Appointments to Various Boards, Commissions and Committees - (Exhibit R)

City Attorney Susan Patterson explained the process of appointments. She stated that you open the floor for nominations. Nominations do not have to be seconded. At some point, you move to close the nominations and then you will have a motion to either appoint someone, which will take a second and a vote, or you can ask for a vote on each nominated party.

ABC Board

Council Member Post nominated Oscar “Buddy” Keller III. Council Member Gaskins moved the nominations be closed and to appoint Mr. Keller by acclamation. Seconded by Council Member Post, the motion carried unanimously.

ADA Committee

Council Member Gaskins nominated Elizabeth Bray. Council Member Post moved to close the nominations and appoint Ms. Bray by acclamation. Seconded by Council Member Gaskins, the motion carried unanimously.

Appearance Commission

Mayor Pro Tem Buckels nominated Kamilah Davis. Council Member Salmon nominated David Schau and Jason Pate. Council Member Post moved to close the nominations and appoint Kamilah Davis, David Schau and Jason Pate by acclamation. Seconded by Council Member Gaskins, the motion carried unanimously.

Board of Adjustment/Housing Board of Appeals

No applications were received.

Historic Preservation Commission

Council Member Taylor nominated Brian John Mitchell and Charles Petty. Council Member Post made the motion to close the nominations and appoint Brian John Mitchell and Charles Petty by acclamation. Seconded by Council Member Gaskins, the motion carried unanimously.

Commission on the Opioid Abuse Epidemic

Council Member Taylor made the motion to nominate Nathaniel Cochrane for the at-large appointment; Dr. Danny Maurer as Treatment Facility Representative and Renee Bullard Liles as the Post-Treatment representative. Council Member Post made the motion to close the nominations and appoint Nathaniel Cochrane at-large, Dr. Danny Maurer (treatment facility representative), and Renee Bullard Liles (post-treatment), by acclamation. Seconded by Council Member Salmon, the motion carried unanimously.

Planning Board

Council Member Post nominated Ken Britton. Council Member Taylor nominated Richard Oldham. Council Member Post moved to close the nominations and appoint Ken Britton and Richard Oldham by acclamation. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Sanford Housing Authority

Mayor Pro Tem Buckels nominated Linda Scott as the resident commissioner. Council Member Post made the motion to close the nominations and appoint Ms. Scott as resident commissioner by acclamation. Seconded by Council Member Salmon and the motion carried unanimously.

Sanford Tourism Development Authority

Mayor Mann stated that the Sanford Tourism Development Authority consists of different sectors of our community and created by the North Carolina General Statute. We have two business/tourism appointments and Council must appoint a chairman from the TDA members. Kevin Brown would like to remain as Chairman.

Council Member Gaskins made the motion to reappoint Kevin Brown as chairman of the TDA. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Council Member Taylor nominated Angela Minnick as the hotelier representative and David Foster as the Business/Tourism Representative. Council Member Post nominated John Lipscomb as a Business/Tourism Representative. Council Member Post made the motion to close the nominations. Seconded by Mayor Pro Tem Buckels and the motion carried unanimously.

Council Member Post amended his motion to appoint Angela Minnick, David Foster and John Lipscomb by acclamation, Seconded by Council Member Salmon, the motion carried unanimously.

OTHER BUSINESS

Mayor Mann announced the dedication of the Love Locks project at the Kiwanis Family Park on July 9, at 9:30 A.M.

Mayor Mann stated that we have all had our heartfelt for the Black Lives Matter Movement and some of the social justice causes. We have tried to be responsive and do different things for the community. He is trying to put together a forum/town hall meeting to hear from residents to see what we can do to impact the community in a positive way. He has a confirmation that we can have a Town Hall Community Meeting at the Dennis Wicker Business and Civic Center on Monday, July 13, in the afternoon. The Civic Center can accommodate up to 250, under the new state order. It would be a joint meeting with all elected officials; it would not be our meeting but we would sponsor it. He invited the County Commissioners to join in to make this event happen. He is putting together a steering committee together just to facilitate that the meeting happens and the people who want to be a part of that meeting can have a good, orderly forum. Council Members Salmon, Post, Taylor and Mayor Pro Tem Buckels, have said they will help. He would like to get the top five priorities of the community to make a difference in Sanford. Mr. Taylor added that he is waiting on confirmation of the facilitator. Mr. Gaskins commented that we need to be cautious with four members of Council as will need prior notification. Council Member Salmon added that she will be the alternate member.

Mr. Hegwer advised Mayor Mann that July 13 is the day we have planned for public hearings to be held at the Civic Center. The Planning Board will be present for the July 13 meeting. Mayor Mann replied that an alternate date is July 16.

Mayor Mann informed the public that each Council Member has 120 cloth masks. They came from a company named Bella+Canvas, which is a California company producing 100 million masks each week. They are part of the White House Coronavirus response. He also like to launch a campaign called Be Safe & Strong Sanford; it is part of the Masks for Mayors Initiative. He has 2,500 masks in bundles of 120. The Coronavirus will be something that will be around for a while. Numbers in Sanford are increasing and half the ventilators in the hospital are being used now. He will leave them at City Hall for individuals to use. He encouraged everyone to use a mask in public. We are not requiring an individual to wear a mask; we are just trying to educate the public.

Closed Session – City Attorney Susan Patterson read the motion to go into closed session in accordance with North Carolina General Statute 143.318.11.(a)(4) to discuss matters relating to location or expansion of an industry or other businesses in the area served by the public body and (6) personnel matter. So moved by Mayor Pro Tem Buckels and seconded by Council Member Rebecca Salmon, the motion carried unanimously.

RETURN TO REGULAR SESSION AND ADJOURNMENT

Council Member Salmon made the motion to adjourn the meeting; seconded by Council Member Taylor, the motion carried unanimously.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

**MINUTES OF
SPECIAL CALLED ELECTRONIC MEETING –
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met remotely through electronic connections (Office Suite HD) on Tuesday, June 23, 2020, at 6 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Mayor T. Chet Mann	Mayor Pro Tem Byron Buckels
Council Member Sam Gaskins	Council Member Jimmy Haire
Council Member Charles Taylor	Council Member Norman Charles Post, III
Council Member Rebecca Wyhof Salmon	City Manager Hal Hegwer
City Attorney Susan Patterson	Deputy City Clerk Vicki Cannady
Management Analyst Holly Marosites	

Absent:

Council Member James Williams
City Clerk Bonnie Davis

Call to Order

Mayor Mann called the meeting to order (held electronically due to precautions related to the COVID-19 pandemic).

Termination of a Developer’s Agreement for Triassic, LLC; Hobert D. Wicker and Sandra P. Wicker, Trustees; Linda Ball Wicker; Jimmie Lee Thomas and Judith S. Thomas (Exhibit A)

City Attorney Susan Patterson explained that this agreement covers property located at southwest quadrant of US Highway #1 and Colon Road. The owners are selling it to developers who want to reimburse the City for the sewer line installed on the property and have requested that the agreement be terminated. No action is required tonight but a public hearing will be held (scheduled for July 7) and notice of the hearing must be advertised for two weeks prior to the hearing. The sellers have also requested a letter confirming that the agreement will be terminated after reimbursement is received. If there are no objections, she will prepare the letter and advertise notice of the public hearing. Council Member Taylor requested clarification that the cost for installing the sewer line was less than anticipated. Mayor Mann requested that more detailed information be provided at the public hearing on July 7 and confirmed there was consensus among Council to advertise the public hearing.

ABC (Alcoholic Beverage Control) Contract (Exhibit B)

City Attorney Susan Patterson explained that this contract addresses an increase of \$20,000 paid to the City for law enforcement services provided to the Sanford Board of Alcoholic Beverage Control (“ABC Board”). A total of \$60,000 will be paid for the services and an additional \$50,000 will be paid for internal and external theft, store security and protection of store deposits. She also confirmed that there were no revisions to the contract other than the amounts paid for the services described above and an address change for the ABC Board (they no longer have a post office box and use a street address for mail).

Mayor Pro Tem Buckels made a motion to approve the ABC Contract; the motion was seconded by Council Member Gaskins; and Mayor Mann conducted a roll call vote on the motion, which carried unanimously.

Resolution Requesting Local Government Commission (“LGC”) Approval of Extension of Issuance of Greenway Bonds (Exhibit C)

Financial Services Director Beth Kelly explained that this resolution authorizes staff to request an extension from the LGC for the \$4 million greenway project General Obligation (“GO”) bond issuance to provide three additional years to that debt, through September 2023. There was consensus among Council at the annual budget retreat in February to move forward with the project; however, because the annual debt service would require a tax rate increase, as well as economic uncertainty related to the COVID-19 pandemic, Council decided against a tax increase. She explained that the LGC provides seven years to issue debt after bonds are authorized, so the deadline to issue the bonds for the greenway project (the last of four GO bond packages approved by voters in September 2013) would be November 2020 but they will grant a three-year extension upon request. If Council approves this request, the LGC would consider it at their July 7 afternoon meeting. Council would then hold a public hearing at its July 7 meeting followed by a thirty-day waiting period and adjustment of the bond order prior to September 1. Mayor Mann noted that this action is being taken not because of a desire not to move forward with the greenway project but a desire to be fiscally cautious this year and avoid a tax increase, particularly in light of uncertainty regarding the COVID-19 pandemic and expressed hope that Council can authorize the bonds when the time is right over the next three years.

Council Member Gaskins made a motion to approve the Resolution Requesting Local Government Commission Approval of Extension of Issuance of Greenway Bonds; the motion was seconded by Council Member Haire; and Mayor Mann conducted a roll call vote on the motion, which carried unanimously.

Other Business

Council Member Haire informed Council that there is continued interest in downtown buildings. He will be meeting with a gentleman who is buying the property formerly used as the Artists’ Colony on Moore Street and an office building on Carthage Street, across from the old post office.

Council Member Gaskins encouraged everyone to wear face masks and noted that Lee County is among the top eight COVID-19 “hot spots” in the state.

City Manager Hegwer stated that with the number of COVID-19 cases recently accelerating in Lee County, it was prudent to revert to at least one electronic meeting monthly. Plans call for a second Council meeting to be held at the Civic Center, since it will allow more physical distancing for holding joint public hearings with the Planning Board; they will also hold a separate meeting to hear cases after those joint hearings. Many property owners, developers and other interested parties have expressed a desire to move forward with public hearings required for rezoning requests and other related issues that have been delayed since March. Mr. Hegwer noted that staff will continue to monitor the situation and make adjustments as necessary.

Mayor Mann expressed support for the Manager’s decision to revert to electronic meetings and encouraged everyone to do everything possible to keep our environments safe. He stated that he made a public service announcement video asking all citizens and residents in Lee County over 12 years of

age to wear masks in public, particularly in areas where it is difficult to practice social distancing, in order to prevent spreading the coronavirus and to ask their neighbors, friends and family to do the same. He noted that our infection and hospitalization numbers are alarmingly high and continue to increase, partially due to increased testing but also because the virus is still spreading. Cases have been reported in all areas of Lee County and many businesses have staff with confirmed cases; many are asymptomatic and can spread it without even knowing they are infected or contagious. He stressed that wearing face masks is not a political issue and science supports the recommendation to wear masks to help reduce the spread, along with using hand sanitizer, thorough hand washing and social distancing. He suggested that everyone on camera tonight wants the City, County, State and Country to reopen but it can't be done safely if everyone doesn't do their part now and encouraged everyone to be as compliant as possible with orders and requests to wear masks and practice social distancing. A program, "#SafeSanfordNC", has been adopted by area businesses as part of a Main Street America and Retail Federation initiative, that provides detailed information on how to protect employees and customers. He encouraged local business to comply with these guidelines and suggested that many citizens would not like to enter an establishment (restaurant or business) where these standards are not being followed and noted that it would create confidence in consumers who would be more likely to frequent those businesses. Since Lee County is not as isolated as some counties (with a food processing facility, many people coming and going for work, business and tourism-related events), this could prevent spreading the virus. He urged Council members to share information covered in the "#SafeSanfordNC" campaign to create as much awareness as possible since education will help spread the message.

ADJOURNMENT

Council Member Taylor made the motion to adjourn the meeting; 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.

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

VICKI R. CANNADY, DEPUTY CITY CLERK

**MINUTES OF
ELECTRONIC MEETING -
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council held an electronic connection (Office Suite HD) on Tuesday, July 7, 2020, at 6 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Mayor T. Chet Mann
Council Member Sam Gaskins
Council Member Charles Taylor
Council Member Rebecca Wyhof Salmon
City Manager Hal Hegwer
Deputy City Clerk Vicki Cannady
City Clerk Bonnie Davis

Mayor Pro Tem Byron Buckels
Council Member Jimmy Haire
Council Member Norman Charles Post, III
Council Member James Williams
City Attorney Susan Patterson
Engineer Intern Mary De Pina

CALL TO ORDER

Mayor Mann called the meeting to order and noted that Council members were all connected and citizens were provided information prior to the meeting on how to join the meeting, which was recorded for viewing later. He will call for a roll-call vote due to the electronic connections.

Council Member Taylor gave the invitation and Mayor Mann led the pledge of allegiance.

PUBLIC COMMENT – (Exhibit A)

Deputy City Clerk Vicki Cannady read a public comment (Exhibit A) submitted by James Buchanan, residing at 2483 Center Church Road. The public comment was regarding children not being able to attend public school this coming year. He felt children should return to school in person and noted that the City, County and State should work together to find an acceptable agreement on how to safely accomplish this matter.

APPROVAL OF AGENDA

Council Member Gaskins made the motion to approve the agenda. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously through roll call vote.

CONSENT AGENDA

Approval of City Council Budget Work Session Minutes dated June 2, 2020 (Filed in Minute Book 102)

Council Member Gaskins made the motion to approve the consent agenda. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously by roll call vote.

SPECIAL AGENDA

There were no items on the special agenda.

CASES FOR PUBLIC HEARING

Public Hearing – Municipal Service District (MSD) Expenditures – (Exhibit B)

Financial Services Director Beth Kelly gave a summary of the expenditures for FY 2020-2021 as listed on (Exhibit B).

Mayor Mann opened the public hearing. Mrs. Kelly Laudate explained the \$20,000 expenditure for Avenir Bold. All the events for this year have been cancelled for Downtown Sanford (DSI), and DSI has taken into consideration that they would like to make their organization stronger. DSI is working with Avenir Bold, which is an advertising agency, located in Raleigh, to get the name of Sanford out beyond the Lee County reach. This is a large amount of the advertising dollars, as well as, Hayes Group Consulting to do some strategic planning. It is time for their five-year plan of work to be renewed with the Main Street Association, which is with the Department of Commerce.

With no one speaking in favor or in opposition, the public hearing was closed.

- Consider Approval of MSD Expenditures
Council Member Gaskins made the motion to approve the MSD expenditures. Seconded by Council Member Salmon, the motion carried unanimously by roll call vote.

Public Hearing – System Development Fees (Exhibit C)

Financial Services Director Kelly stated that in Council's agenda packet is an overview of what was discussed at Council's workshop on May 12, as well as, during the retreat. Council directed staff to move forward with implementation of the fees and as part of this process of system development fees, staff is required to post the third party, independent certified report by Rafetlis. This information has been on the City website for 45 days beginning May 15, 2020, as well as information and frequently asked questions and responses that staff can think of, along with an email link. No questions have been received from the public regarding the fees as of today. The public hearing is part of the process; no action is required tonight. She referenced the meter fees that are recommended through the Rafetlis Certified Independent Report and those are the meter sizes and the cost for the water and wastewater fees. Staff is recommending charging the fee at the time the water or wastewater tap is purchased beginning January 1, 2021. No action required tonight. If there is no feedback through the public hearing, staff will come back to Council with an ordinance specifying these fees and the date we will start charging the fees is January 1, 2021. These revenues will be restricted to capital needs related to water and sewer revenues. Mrs. Kelly stated that in the League email this week, they referenced House Bill 873, which was signed by the governor last week, with some slight changes to the system development fees. However, there were some units of water and wastewater systems charging the fee when the plat was approved or when the building permits were approved; obviously, the House Bill is recommending that you not charge the fee until later in the process, which staff is recommending to not charge the fee until the end when the tap is purchased. Another change in the law would allow some water systems to utilize the fee revenue to pay debt related to capital infrastructure for the water and sewer fund. We have enough capital needs to use the revenue for capital purchases but that has been included in the recent House Bill and staff will look into that as well.

City Manager Hegwer explained that regarding the fee schedule (Exhibit C), this is the maximum amount you can charge up to those amounts.

Mayor Mann opened the public hearing. Mr. Gaskins asked referencing House Bill 873 if we can charge capital fees retroactively? Mrs. Kelly replied that we would not charge retroactively; we are going with future. This is the way we directed the third-party independent consultant to calculate the fee. The way it is calculated is based off of the actual asset and the cost of assets we have in the ground from a couple of years ago; it is the actual cost of the infrastructure we put in the ground. The fee will not be charged until after January 1, 2021 going forward. Mayor Mann added that there is a 24-hour comment period that Mrs. Kelly eluded to, that is required after this public hearing; adoption

of this extension is subject to receipt of any comments within that 24-hour period. Council can make a decision at its next meeting.

Mr. Williams asked if these fees only affect new construction? Mrs. Kelly explained that this is for anybody coming to purchase a water or sewer tap after January 1, 2021; this is in addition to the tap fee (the cost of placing the tap).

Mr. Williams asked if it would affect an individual with an older home that needs a re-tap? Mr. Hegwer replied no, it would not affect a re-tap, only new taps. This would affect an existing home in the City, who is on water and is now connecting to sewer. They would have the normal sewer tap fee connection of \$1,250 and this system development fee would be added to this tap fee.

Mrs. Kelly added that no action is required tonight and staff will come back in August with an ordinance to be approved by Council. Mr. Hegwer asked that if Council receives or has any additional feedback, to please let staff know. With no one requesting to speak in favor or in opposition, the public hearing was closed.

Public Hearing – General Obligation Greenway Bond Order Extension

Beth Kelly explained the Extension of Bond Order Authorizing the Issuance of \$4,000,000 General Obligation Greenway Bonds to be extended; this is part of the process. The Local Government Center (LGC) met today and she received an email from Tony Blalock, Analyst with the LGC, stating that the LGC unanimously approved that our bond can be extended for three more years. The LGC approval process is that once it approves the extension, the City Council needs to approve the extension authorizing the Bond Order to be extended. Then after the 24-hour public comment period, (which will end tomorrow night), on Thursday or Friday staff will publish another requirement in the newspaper which will run for 30 days; after that time is over, then we can finalize the Bond Order to be extended.

Mayor Mann reiterated Mrs. Kelly's comments that there will be a 24-hour public comment period required to adopt this extension.

Mayor Mann opened the public hearing. With no one requesting to speak or any comments received from the public, the public hearing was closed.

- Consider Approval of Extension of Bond Order Authorizing the Issuance of \$4,000,000 General Obligation Greenway Bonds of the City of Sanford, North Carolina (Exhibit D)

Council Member Haire made the motion to approve the extension of Bond Order Authorizing the Issuance of \$4,000,000 General Obligation Greenway Bonds of the City of Sanford, North Carolina. If comments are received, it can be formally adopted at the next Council meeting; if not, it will be considered adopted at this meeting. Seconded by Council Member Gaskins, the motion carried unanimously. Mrs. Kelly clarified that this is the last time for extension; the project has to be done in three years.

Mayor Mann informed the public that due to the Coronavirus and the budget problems with COVID pandemic, Council did not feel this is the time to pursue the greenway bonds. Mr. Gaskins added that in addition to COVID, we have a problem with the lack of the Department of Transportation funding and the DOT is a partner with the City in this project. Mrs. Kelly explained the Bonds issued in 2013.

Public Hearing – Termination of Developer Agreement for Wicker and Triassic, LLC

City Attorney Patterson explained that when we entered into this developer's agreement on May 2, 2017 for development of property at the Intersection of Colon Road and US #1, the developers agreed that they would develop this property for industrial purposes, but in the event they did not sell it for industrial purposes by 2020, they would be able to open it up for residential purposes as well. The developer's agreement ensured that if the property was developed for residential purposes, the developer would reimburse the City for the expenditures made to install sewer to the property. It was estimated that the installation of the sewer would cost \$1 million dollars; the City was able to install the sewer at a cost of \$607,846.84. The property has been sold to a new owner and they have reimbursed the City for \$607,846.84. The City has received the check and Council will need to take formal action to terminate the developer's agreement for Wicker and Triassic, LLC. There is an ordinance for Council to consider to terminate the agreement for recording at the courthouse; it may or may not be the agreement in Council's packet on Page 17 as the new owner can be added to that one or it may be separated into two separate documents; this is to have evidence in the public record so the title search would show the developer's agreement has been satisfied.

Mayor Mann opened the public hearing. Attorney Patterson stated that this is one of the public hearings that require comments to be submitted within 24-hours after the public hearing. However, the statute says that action can be taken at this meeting. If we receive any comments afterwards, she will inform Council.

With no one requesting to speak in favor or in opposition, the public hearing was closed.

- Consider Approval of Ordinance Terminating the Developers Agreement for Wicker and Triassic, LLC by Mutual Consent and Authorizing Execution of Notice of Termination of Developers Agreement (Exhibit E)
Council Member Gaskins made the motion to approve the Ordinance Terminating the Developers Agreement for Wicker and Triassic, LLC by Mutual Consent and Authorizing Execution of Notice of Termination of Developers Agreement. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously by roll call vote.

DECISIONS ON PUBLIC HEARINGS

There were no decisions on public hearings.

REGULAR AGENDA

There were no items under the Regular Agenda.

NEW BUSINESS

Consider Recommendation to Enter into Engineering Services Agreement – East Sanford Sanitary Sewer Rehabilitation/Replacement Community Development Block Grant – Infrastructure (CDBG-I) Project (Exhibit F)

City Engineer Intern Mary DePina explained that the City was awarded a \$2 million grant to replace segments of an aging sanitary sewer system, which will serve approximately 159 residences in a low to moderate income neighborhood in East Sanford. The project will be funded in full by CDBG, unless it is decided that it would be beneficial to extend the project. There were three submittals for engineering services. Each submittal was ranked by criteria set forth in the request for qualifications and WithersRavenel was selected based on that ranking. Staff recommends WithersRavenel for engineering services in the amount of \$294,692 and authorize City Manager Hal Hegwer to sign the contract.

Council Member Gaskins made the motion to enter into an Engineering Services Agreement with WithersRavenel for the East Sanford Sanitary Sewer Rehabilitation. Seconded by Council Member Haire, the motion carried unanimously by a roll call vote.

Consider Recommendation to Enter into Grant Administrator Agreement – East Sanford Sanitary Sewer Rehabilitation/Replacement Community Development Block Grant – Infrastructure (CDBG-I) Project (Exhibit G)

City Engineer Intern Mary De Pina explained that CDBG requires the City to hire a firm to act as the grant administrator for the East Sanford Sanitary Sewer Rehabilitation/Replacement Community Development Block Grant project. There were three submittals for grant administration services; each submittal was ranked according to criteria set forth in the request for proposals; WithersRavenel was selected based on that ranking. Staff recommends WithersRavenel in the amount of \$103,638.

Council Member Haire made the motion to enter into a Grant Administrator Agreement with WithersRavenel for the - East Sanford Sanitary Sewer Rehabilitation/Replacement Community Development Block Grant – Infrastructure (CDBG-I) Project. Seconded by Council Member Salmon, the motion carried unanimously by a roll call vote.

Consider Appointments to Various Boards, Commissions and Committees (Exhibit H)

City Attorney Patterson explained the process to follow for appointments to various boards and commissions.

ADA

Attorney Patterson explained that there is an elected official position and Council Member Williams has served in the past; his term is up and he is a regular member of the ADA board and not a liaison. Council Member Post made the motion to appoint Council Member James Williams by acclamation. Seconded by Council Member Gaskins, the motion carried unanimously by roll call vote.

BOARD OF ADJUSTMENT/HOUSING BOARD OF APPEALS

Council Member Post made the motion to appoint Tommy Brickle by acclamation to the regular appointment to the term which expires June 30 2021. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously by a roll call vote.

COMMISSION ON THE OPIOID ABUSE EPIDEMIC

Council Member Gaskins nominated Emily Hare as the Education Representative position and made the motion to close the nominations and appoint Emily Hare by acclamation. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously by a roll call vote.

SANFORD HOUSING AUTHORITY

Mayor Pro Tem Buckels nominated Mark Akinosho to the term expiring June 30, 2023. Council Member Gaskins made the motion to close the nominations and appoint Mark Akinosho by acclamation. Seconded by Council Member Salmon, the motion carried unanimously by a roll call vote.

Other Business

Council Members Gaskins and Haire reminded the public to wear a mask to prevent the spread of COVID-19.

Mr. Hegwer added that as people are impacted with the COVID, they have to be tested and retested and it could affect our services going forward. It only takes one person to impact several of our staff. Mr. Hegwer urged all to be careful and stated that we are doing all we can do to ensure the safety of our employees. Mayor Mann said it is a challenge running a business and a municipality is no different. We have witnessed too many gatherings to not expect COVID to not occur. If it continues through different departments, it can wipe out departments. This is not a political matter and he reiterated for all people to wear masks.

Mayor Mann stated that there is an Interlocal Committee Meeting tomorrow at the McSwain Center and Council Members Gaskins and Salmon and he will be attending.

Attorney Patterson explained that at the July 13 meeting, there will be several public hearings on land use matters. It will be at the Civic Center and the area will be spaced out for the public to attend. We may stagger allowing individuals to enter for the particular public hearing they plan to attend. Social distancing requirements will require individuals to wait in the lobby or car area to come in. Mayor Mann stated that we have several public hearings and will require action. He needs Council to be in attendance.

Closed Session

City Attorney Susan Patterson read a motion to go into closed session in accordance with North Carolina General Statute 143.318.(11)(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege. So moved by Council Member Salmon and seconded by Council Member Gaskins, the motion carried unanimously by a roll call vote.

ADJOURNMENT

Council Member Gaskins made the motion to adjourn the meeting; seconded by Council Member Salmon, the motion carried unanimously by roll call vote.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

**MINUTES OF
JOINT INTERLOCAL COMMITTEE MEETING**

Tuesday, July 8, 2019

McSwain Extension Education and Agriculture Center Auditorium –
2420 Tramway Road, Sanford, NC

The Sanford City Council, Lee County Board of Commissioners and Broadway Town Council held a Joint Interlocal Committee meeting on Tuesday, July 8, 2020, at 11:00 a.m. in the Auditorium of the McSwain Extension Education and Agriculture Center, 2420 Tramway Road, Sanford, North Carolina. The following people were present:

City:

Mayor T. Chet Mann
Mayor Pro Tem Rebecca Wyhof Salmon
Council Member Sam Gaskins
City Manager Hal Hegwer

County:

Lee County Commissioner Chair Amy Dalrymple
Lee County Commissioner Cameron Sharpe
Lee County Manager John Crumpton

Broadway:

Mayor Donald Andrews
Town Manager Eddie Thomas

Others Present:

City Mayor Pro Tem Byron Buckels
City Attorney Susan Patterson
City Financial Services Director Beth Kelly
City Management Analyst Holly Marosites
Deputy City Clerk Vicki Cannady
Lee County Asst. Manager/Finance Director Lisa Minter
Lee County Attorney Whitney Parrish
Lee County Clerk to the Board Jennifer Gamble
Community Development Director Marshall Downey
SAGA Executive Director Michael Smith

Amy Dalrymple, Chair of the Lee County Board of Commissioners, called the meeting to order.

Plans for Horton Park and Temple Ball Field

Dr. John Crumpton shared an update on the County park bond funded projects. Renovations are complete at Lett Park in Broadway. Bids on Phase I, which includes Horton Park, O.T. Sloan Park, Temple Park and Kiwanis Children's Park, are due before July 20 and they hope to award contracts in August. Tennis courts will be relocated at Kiwanis Children's Park and O.T. Sloan Park and playground equipment at Kiwanis Children's Park will be upgraded. The basketball court at Horton Park will be redone, along with preliminary work to remove the pool, analyze park equipment and parking lot. Two softball fields will be removed at Temple Park to create more open space for soccer and football and basketball courts will be included in Phase One if funds are available. Depending on available funding, Phase II will include a small splashpad at Horton Park and the sports complex, if approved by voters in November: a resolution requesting the Board of Elections to include the referendum for the sports complex on the ballot is on the agenda for the Commissioners' July 20 meeting.

Mayor Mann thanked the County for their work on parks, especially Temple Park, which is located in East Sanford, an area Council is working to revitalize. Investors have expressed interest and updating the park would have a positive impact on the area's image. He referenced a study done by the UNC School of Government showing that East Sanford is growing faster than other areas of the city and

stated that many residents don't want to move, contributing to its low vacancy rate. Mayor Pro Tem Buckels suggested that removing the pool at Horton Park would disappoint area residents and requested a timeline for improvements. He noted that Brick Capital may be constructing more housing in the area and encouraged the County to make tangible plans for more amenities. Dr. Crumpton stated that work has been done in the last two years on the bathrooms, shelter and building and they will analyze funding when bids on Phase I are received. Chair Amy Dalrymple commented that all parks in the system need work but unfortunately, the only one that has had substantial work since the 2008 recession was San-Lee Park, which required reconstruction after a fire several years ago.

Economic uncertainty and recent job losses related to the COVID-19 pandemic were discussed and Dr. Crumpton noted that people expect more of government during times of struggle. Mr. Buckels commented that the City and County both received more funding from the Alcoholic Beverage Control board than was expected and suggested those funds be considered for park improvements. Ms. Dalrymple requested that park plans be shared with City and Broadway staff and requested suggestions on how to improve communication with residents. She suggested that Lee County Government Relations Coordinator Jamie Brown share information when bids are received and more information is available on how the County plans to move forward. Suggestions were made to perhaps hold small "National Night Out" style events where renderings and information on timelines could be presented and to use social media.

Homelessness Initiative (Exhibit A)

Mayor Mann acknowledged that the City and County operate differently but because our County is so small and intertwined, homelessness affects everyone. The Sanford H3 Housing Connect initiative ("S3") has made an impact but because of the COVID-19 pandemic and the ad valorem property tax distribution method, the City lacks adequate funding, even with assistance from the State (through Representative John Sauls). S3 has helped create an emergency center and went from high-barrier to a low-barrier shelter for men and women. A fundraiser planned as a sponsored dinner was cancelled due to the pandemic and done "virtually", raising more than \$30,000 but the City still needs help with the \$82,000 budgeted. The Bread of Life Ministry is helping with a day center but they have nearly exhausted all funds and are facing a \$39,000 shortfall. He suggested some of the revenue the County received from the Alcoholic Beverage Control board could be used. The County would benefit directly since many of the homeless who spend the day at the County Library would have another option and it would ease the burden on social services and the school system. Mayor Mann noted that his "Open for Business" agenda emphasizes the success seen by the City, County, Broadway and private sector working together to solve problems and achieve economic success. He urged County officials to reconsider funding \$40,000 (about one-half) of the \$82,000 budget (attached hereto as Exhibit A) and agreed to forward financial information to the County. He also commented that many in our area who are considered "homeless" are actually citizens who work at low-wage jobs and often lack transportation or relatively small rent and utility deposits, rather than being chronically homeless. Case managers with Johnston-Lee-Harnett Community Action work to find grants and help individuals develop skills to resolve these issues. The County provided printed information on their programs, which is attached hereto as Exhibit A-2.

Mayor Mann also commented on the lack of programs and facilities for area youth (aged 16 to 22) and requested input from County representatives. Mayor Pro Tem Buckels stated that the City has discussed having programs for late nights. Chair Dalrymple confirmed that she and Dr. Crumpton had discussed this and would like to consult with Boys and Girls Club Manager Daniel Simmons. She was recently involved with a Boys and Girls Club "Youth of the Year" event and four of the five finalists stated that the club's youth center changed their lives; three of the five talked about how important it was for older youth to be separated from younger kids. Staff has reached out to Tim Sherman, the

architect for the Hales Armory Center, a site proposed for a youth center, to analyze plans to update bathrooms, remove bleachers, remove the large front doors and rear bays, and turn the gym into a multi-purpose area. She also noted that this project is on her short list for Alcoholic Beverage Control revenue and suggested it would be a good time for renovations with the current lack of group programming. Commissioner Sharpe also expressed support for a youth center. Council Member Salmon stated that she had spoken with area youth who expressed an interest in helping shape a youth center and suggested they be included in discussions going forward about who would use a center and how it would be used. Chair Dalrymple suggested that the McSwain Center auditorium seemed to work well with social distancing precautions and encouraged everyone to reach out to youth and community leaders involved with youth who serve or could serve as mentors. Mayor Mann suggested that a panel be assembled within the next 30 days to provide feedback and updated renderings for the Hales Center be requested from the architect. Chair Dalrymple agreed to research and coordinate meeting dates and times in the next month.

Land Use Planning and Unified Development Ordinance (UDO) Updates (Exhibit B)

Community Development Director Marshall Downey reviewed the attached Exhibit B, staff observations and client concerns from the first year of the *PlanSanLee* Land Use Plan (“LUP”) and spoke about updating the Unified Development Ordinance (“UDO”), one of the key recommendations that came out of the LUP. He reminded everyone that the goal for the LUP is for it not to serve as a “snapshot” in time but as a “living” document, to reflect what we want to see in our community as policies and zoning standards evolve. Staff is concerned about the trend of new subdivisions being located in designated “growth areas” just outside current city limits, on private septic tank systems with little or no amenities. These subdivisions do not meet expressed goals and if this pattern is repeated on a larger scale, the City’s ability to expand through smart growth – with the planned expansion of public water and sewer services – could be severely crippled; however, the county plays a huge role in dictating smart growth.

Regarding areas that may need to be tightened, Mr. Downey explained that staff could provide stronger recommendations for development in growth areas just outside the city limits and encourage developments with fewer amenities in more rural areas. Mayor Mann suggested that we may regret allowing these types of developments in the future since it will be much less efficient to provide water and sewer services; he also noted that he is receiving more calls regarding development in Broadway recently. Dr. Crumpton noted that having a small extraterritorial jurisdiction area also presents issues. Mr. Downey reminded everyone that the intent was the higher density developments would also provide higher quality and more amenities but without rules in place, this is problematic. He suggested that a new place type, “Rural-Suburban Neighborhood”, for areas on the rural/suburban fringe and revise the “Suburban Neighborhood” place type from four to seven units per acre to three to seven units per acre and establish building standards so developers are aware of expectations. With increased activity along the Highway 1 corridor, Mr. Downey commented on the need to update the LUP actions around its intersection with Colon Road, the site of the proposed Galvin’s Ridge residential subdivision. This site is currently shown as “Industrial Center” and the Bharat Forge industrial facility on Colon Road is currently shown as “Suburban neighborhood”, with the area surrounding it anticipated to include even more industrial uses. He also suggested that Highway 421 may see additional growth, particularly if plans proceed on the proposed Cumnock Village development.

Mr. Downey reminded everyone that the LUP, adopted in 2018, serves as a master plan to guide growth and density but the next challenge is updating our UDO to reflect the desires and expectations of the plan. Council approved funding to begin these revisions and staff had begun to work with an experienced consultant on the first round of UDO updates regarding the need for regulations and standards for residential subdivisions around the time the COVID-19 pandemic struck. He reviewed four

of the local challenges, market demand, entry level vs. signature neighborhoods, amenities, and “conditional” zoning – used when there are inadequate design standards – which is time-consuming for both developers and staff. Meetings (in February) and teleconferences (since the pandemic began) have been held, staff has begun working with developers, the consultant has met with planning staff to discuss the initial draft, and key points have been revamped. Some of the preliminary revisions suggested are replacing R-20 zoning with “Rural-Suburban Neighborhood” (to allow two units per acre of single-family detached residential); replacing R-12 and R-14 with “Suburban Neighborhood” (to allow three units per acre); and updating the Traditional Neighborhood Overlay District to replace conditional zoning and clearly define design standards (sidewalks, open space, etc.). These standards would be subject to legislative action and Council would be aware of all clearly defined standards and expectations and would reduce the problem of all three boards (City, County, Broadway) having to approve subdivisions individually as “conditional zoning.” Mayor Mann commented that the LUP is the blueprint and the UDO provides detailed requirements.

As this process moves forward, Mr. Downey explained that Planning staff would take the matter to the Technical Review Committee, then to a steering committee comprised of staff and members of the City’s Joint Planning Commission (Mayor Mann, Council Member Charles Taylor, Chairman of the Sanford Planning Board) to work with the consultant to guide changes. Formal adoption would include review by the Joint Planning Committee and to all three jurisdictions for public hearings and adoption. Multi-family and commercial development standards will be addressed in Phase II (funded by the City and County) after Phase I residential standards are established, and future phases will address infill, signage and industrial development. Mr. Downey also explained that state statutes regarding planning and development regulations have been reorganized into a new Chapter 160-D to consolidate what was previously separate City and County statutes and several ordinances, are now obsolete. Staff has worked with City Attorney Patterson and County Attorney Parrish to coordinate updating the UDO with help from a third-party prior to July 1, 2021, the date this new law becomes effective. He hopes Phase I standards for new residential subdivisions is complete by fall or winter of this year and explained that he and his staff were open for recommendations. Mayor Mann commented that new businesses will bring a need for new housing and a blueprint and details will definitely be needed. Mayor Pro Tem Buckels commented that we must have all components in place when new growth arrives.

A brief lunch recess was taken from 12:30 p.m. until 12:45 p.m.

Code Enforcement

Broadway Mayor Donald Andrews explained that his staff needs assistance on code enforcement issues in Broadway. They have considered hiring a third-party and he questioned whether the joint City/County Code Enforcement Department could provide any assistance. City Manager Hegwer stated that he has no problem helping Broadway but the current staffing level would not provide adequate manpower. He noted that the department engaged a third-party provider in the past year to help with case overloads and while they had limited success, they were good on small issues. Dr. Crumpton explained that unlike the City, the County has no nuisance ordinance (for overgrown grass, abandoned vehicles, etc.) and without it, there is nothing to enforce. Previous discussions were held but without overwhelming interest, no action was taken. Mayor Andrews commented that his office can handle simple issues like overgrown grass and abandoned vehicles but not complex issues such as minimum housing violations. Chair Dalrymple questioned whether they have considered hiring a retiree interested in a part-time position but Mayor Andrews responded that they were not in a position to hire anyone right now, so issues are just being delayed. Ms. Dalrymple agreed that her board would consider the issue and Mayor Mann commented that it would be a natural evolution to piggyback on the established Code Enforcement department. Council Member Gaskins stated that consideration should be given to

share a position based on the number of hours worked on behalf of each entity and that someone familiar with the area is needed.

COVID-19 Update (Exhibit C)

County Manager Dr. John Crumpton explained that he would provide the report on behalf of County Health Director Heath Cain who is working on COVID-19 testing. He reviewed the attached Exhibit C, a report dated July 4 showing that Lee County has had 861 cases through that date and eight deaths attributed to COVID-19. Of these cases, 636 have recovered and 55 percent are female and 45 percent are male. Four testing events have been held and about 1,400 tests have been completed. He noted that case spikes are likely the result of mass testing events and that 35 percent of cases were positive at one of these events. Since Lee County has been deemed as one of nine “hot spots” in the state, additional testing has funded by the CARES Act.

Regarding County services, Dr. Crumpton explained that the O.T. Sloan pool opened on June 2 with a limit of 50 swimmers at any given time and prohibitions on bathroom usage. About 45 participants enrolled in water aerobics classes and the Parks and Recreation Department is offering half-day camps at San-Lee Park. The Lee County Government Center Offices are open with the Department of Social Services and Health Department taking appointments from 8 a.m. through 5 p.m. daily and the Tax Offices open from 12 – 4 daily. Renovations will soon begin in the tax office and staff will likely be relocated to the Commissioners Chambers on the lower level. Library staff is providing pick-up service and the Elections Office and Enrichment Center remain closed to the public.

Dr. Crumpton stated that another COVID-19 testing event was scheduled for July 28. Chair Dalrymple questioned whether an event could be done at East Lee Middle School or Broadway (since other events were held at Deep River School, Central Carolina Hospital and the Civic Center) and Dr. Crumpton agreed to pass that suggestion along to Director Cain. Mayor Mann expressed frustration with the lack of testing and mass gatherings, particularly those with no social distancing and little mask-wearing, and questioned how enforcement could be increased. Dr. Crumpton responded that issuing citations is likely the only recourse unless business owners want violators arrested for trespassing. Mayor Mann commented that education and personal responsibility are both keys in reducing the spread and suggested that business and property owners who allow mass gatherings be fined and called on everyone to help reduce violations since one case can close a business for weeks. Council Member Gaskins noted that our community has been fortunate to have a death rate of about one percent, compared to an average of about 4.3 percent in the United States and 4.5 to 4.7 percent worldwide. While about 95 percent of cases are not severe, it is a serious illness. Dr. Crumpton added that numbers must begin trending down or it will be difficult for schools to reopen as normal this fall.

Regarding funding received from the CARES Act, approximately \$300,000 was allocated for small business grants and 19 applications have been received to date. With a deadline of July 17, he encouraged everyone to spread the word to interested parties. The goal was to fund \$7,500 to 40 small businesses with a requirement that the business be owned by Lee County residents; however, a request may be made to the Commissioners to waive this request if there aren't too many applicants. Expenses can be claimed for expenses related to COVID-19 from March 1 through December 31. The Commissioners may consider grants to non-profit agencies as well. There have been some requests from groups associated with homelessness for cleaning and safety supplies related to COVID-19, which would allow them to use their funds for their causes. Mayor Mann stressed the importance of keeping employees safe so that workers can provide essential services (fire, law enforcement, trash pickup, etc.). Chair Dalrymple commented that many workers have been able to work remotely and that has reduced risk. Dr. Crumpton noted that it will make planned renovations easier and productivity levels have

remained high. He added that the US has avoided other global pandemics until now and we should all remain vigilant.

Interlocal Government Operations and Projects

County Manager Dr. John Crumpton cautioned everyone not to become complacent of all the efficient interlocal partnerships, including the Raleigh Executive Jetport (still referred to by many as the Sanford/Lee County Airport), Community Development, Geographic Information Systems, and 911-Emergency Services. The “one-stop shop” and the Sanford Area Growth Alliance, all located at the Buggy Company Building, are also an indication of collaboration and cooperation not seen in other areas of government. Mayor Mann thanked everyone for their efforts and encouraged everyone to read the “Open for Business” catalog that gave background and detail on collaborative efforts in Lee County. He stated that we have leveraged our small size of three governmental agencies to work together to build community rather than prioritizing geographical borders.

Other Business (Exhibit D)

Michael Smith, Sanford Area Growth Alliance CEO, shared copies of “Business North Carolina” (attached hereto as Exhibit D) magazine and informed everyone that Sanford and/or Lee County were referenced five times: the ad was planned but the other were for top economic and job announcements last year. We had four of the top 25 economic development projects and three of the top ten by investment amount. He suggested that even in this uncertain time, we are well positioned for the future, agreed that the key to this success is collaboration and encouraged everyone to continue working together.

Council Member Salmon commented that it was great to have representatives from Broadway, Lee County and Sanford together and suggested doing it more frequently.

Financial Services Director Beth Kelly informed everyone that due to Governor Cooper’s moratorium on utility cutoffs and late fees through the end of July, about 1,500 utility accounts were outstanding as of July 7, with a balance of about \$150,000. Broadway Mayor Andrews stated that no payments had been made on about 40 accounts since March.

Chair Dalrymple confirmed that she would investigate dates the McSwain Center auditorium is available to help coordinate a meeting on using the Hales Center as a Youth Center. Dr. Crumpton will contact the architect to request updated plans and they will begin the process of analyzing costs.

Adjournment

Chair Dalrymple adjourned the meeting at 2:00 p.m.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

VICKI R. CANNADY, DEPUTY CITY CLERK

**MINUTES OF SPECIAL CALLED MEETING –
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met on Monday, July 13, 2020, at 6:00 in the Exhibition Hall of the Dennis Wicker Civic Center, 1801 Nash Street, Sanford, North Carolina. The following people were present:

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

Absent:
City Clerk Bonnie Davis

CALL TO ORDER

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

APPROVAL OF AGENDA

Council Member Gaskins made the motion to approve the agenda. Seconded by Mayor Pro Tem 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

Application by Beacon Management Corporation for property owned by Winding Brook Limited Partnership to rezone one 8.63 + acre tract of land addressed as 2107 Woodland Avenue from the current zoning of Winding Brook Apartments Conditional Zoning District (Revision #1) to Winding Brook Apartments Conditional Zoning District (Revision #2), with the intent being to revise the site plan design associated with this specific conditional zoning district. The subject property was formerly developed with several structures addressed as 2111, 2113, and 2201 Woodland Avenue and is depicted on Lee County Tax Maps 9652.18 and 9652.14 as Tax Parcel 9652-32-3205-00, Lee County Land Records – Exhibit A

Zoning Administrator Amy McNeill explained that Planning staff received this request to revise the site plan for an 8.6 acre tract located on the eastern side of the intersection of Harkey Road and Woodland Avenue. The site was rezoned in 2010 from Residential Mixed (R-12) to the Covington Place Elderly Housing Conditional Zoning District to allow development of a 50-unit multi-family community comprised of ten single-story apartment buildings for seniors aged 55 and older with a density of six units per acre. In 2015, the site was rezoned to Winding Brooks Apartments Conditional Zoning District (Revision #1) to remove age restrictions; allow 60 apartment units in ten single-story apartment buildings with one type of apartment building (rather than two); and revise the site plan to accommodate the larger building: the approved density was seven units per acre. The applicant would now like to revise the site

plan and replace it with three three-story buildings and a total of 72 units with each building containing 24 units: nine 1-bedroom units, twelve 2-bedroom units, and three 3-bedroom units. There would still be two entrances off Woodland Avenue and the interior layout has been redesigned to accommodate three buildings rather than ten, with a density of eight units per acre. Ms. McNeill noted that the applicant has expressed interest in retaining as many mature trees along the perimeter of the site as possible and the design site must comply with UDO landscaping standards for landscape buffer yards, parking lot landscaping and street trees. She also noted that stormwater retention ponds/basins are proposed to help manage storm water on the site.

Ms. McNeill explained that the main concerns expressed at the two 2020 public information hearings were stormwater, traffic, and crime. Neighborhood residents are concerned that stormwater problems in the area, particularly along Woodland Avenue, cause water to backup and flood adjoining properties; that additional development will add impervious surfaces that may worsen these problems; that existing stormwater ponds at Autumn Oaks and Elite Storage overflow when there are heavy rains; and the fact that the City has no stormwater regulations. They noted that traffic along this section of Woodland Avenue and Harkey Road is already busy and a new apartment community will only add to that problem, creating the potential for more wrecks and problems related to increased pedestrian traffic. They also have concerns with increased crime in the area since the Autumn Oaks apartments were developed: automobiles have been broken into, police have had to chase people through residents' yards and the subject property is being frequented by homeless people. Another concern is that the proposed three-story buildings would be taller than existing homes in the area.

Regarding the overlay district and area plans, Ms. McNeill explained that the subject property is not located within a Watershed Conservation Overlay District or Flood Hazard Area; however, there are environmentally sensitive wetlands illustrated on the site plan, which the overall project design appears to have taken into consideration. She noted that the developer is responsible for complying with any and all state and federal regulations regarding existing environmental conditions. The site is not located within a Historic Preservation Overlay District but does adjoin the Lee Avenue Historic District to the east, which is on the National Register of Historic Places. The *Plan SanLee* Land Use Plan identifies the future land use place type as "Urban Neighborhood" which has higher density residential neighborhoods and a grid street network, is walkable to adjacent urban commercial districts and development density for multi-family housing of 10 to 16 units per acre. The site is currently served by public water and sewer, which the proposed development will utilize.

Ms. McNeill stated that if the conditional zoning district amendment request is allowed, the site must be developed in the manner approved with proposed changes and existing applicable conditions remaining in effect; only the uses permitted in the Winding Brooks Apartments Conditional Zoning District Revision #2 and other uses typically associated with multi-family development would be permitted. Revisions to the site plan and project scope appear to be in keeping with the *Plan SanLee* "Urban Neighborhood" land use designation, given that it is a multi-family apartment community with a density of eight units per acre proposed to be served by public water and sewer. Overall, the revised design does have a lower impervious surface area with stormwater retention ponds/basins incorporated into the site. She noted that additional information presented at this public hearing should also be considered in the recommendation and final decision on the requested zoning map amendment.

Mayor Mann opened the public hearing.

George Carr, founder and CEO of Beacon Management (the applicant), who is a resident of Greensboro, North Carolina, informed Council that his company has done more than 30 developments in the Carolinas and Connecticut and provided photos on the company and its projects as shown on the attached Exhibit A-2. He explained that their approach is long-term, with the company building and holding properties. The units will cost about \$160,000 each to construct (very good quality) and provided information on square footage: 1-bedrooms will range from 800 to 1055 square feet; 2-bedrooms will range from 1054 to 1302; and 3-bedrooms will be 1452 square feet. The newly proposed design will have less ground coverage with far more greenery and retention ponds to improve drainage in the area. He also stated that their goal is to stabilize and strengthen the neighborhood and noted that a 2018 study of the Jonesboro area recommended higher density residential housing and a more walkable community to help revitalize the area. He suggested that Winding Brook would help spur revitalization, be a community that Sanford can be proud of, and help existing water runoff problems on Woodland Avenue by ensuring that appropriate retention and grades are developed to mitigate runoff.

Tim Shaw, an Engineer in Training with Hagen Engineering (3859 Battleground Avenue, Greensboro, NC 27410), explained that although Lee County has no stormwater requirements, the developer plans to install retention ponds to ensure that this project does not increase water runoff in the area. The two ponds would ensure that runoff is reduced for a given rain event and will be sized to store water for release at a slower rate. This design would be much less intensive on the environment, avoid wetlands located on the site and run off much quicker to collect in the ponds and reduce excessive drainage and flooding. Mr. Carr also noted that the currently proposed building site plan would occupy a smaller area than originally proposed and it is far better structured for site conditions.

Council Member Rebecca Salmon noted that Council has had many discussions about the fact that we are experiencing more frequent severe rain events (50- and 100-year floods) that release much more water and cause more issues. Mr. Shaw explained they typically use 25-year storm events (as required by most municipalities) and they always analyze 100-year storm events but they would include a design for any contingency requested. He noted that rain events change constantly but they will use the latest software to ensure that their design meets requirements. There will be a stormwater pipe infrastructure throughout the site to transport water through the parking lot to the ponds for release into the creek, diverting it from the roadway. Ms. Salmon questioned what would be done to mitigate the impact on downstream properties. Mr. Shaw responded that their study will analyze the furthest point on the site downstream and the impact will be lessened. As far as mitigating existing problems, he explained that there appear to be issues with current infrastructure on Woodland Avenue and they could analyze the size of those storm pipes to determine whether they could be upgraded; however, that would have to be addressed with the developer.

Larry Cameron, of 600 West Main Street, expressed opposition to the project.

Brian Mitchell, of 2114 Lee Avenue, stated that he was originally opposed to the project but after speaking with Zoning Administrator Amy McNeill and receiving additional information, he now supports it. He also suggested that trash along Woodland Avenue contributes to flooding problems.

Attorney Eddie Winstead (1410 Elm Street, Sanford, NC) explained that he had been retained by citizens who reside near the proposed project. He reviewed a topographical map (included in the attached Exhibit A-3) and noted that two creeks flow through the subject property and while Mr. Shaw indicated that their only requirement for water runoff problems is not to increase problems on Woodland Avenue; however, that is on the downstream side and the retention ponds on the subject are on the downslope

flow off Woodland. He questioned their plan to reduce the problem on Woodland Avenue, a low spot where flooding is a significant problem, and suggested they propose to basically dam the two creeks with ponds to hold water and reduce the flow, which will exacerbate the Woodland Avenue problem. He noted that adding 72 apartments proposed at Winding Brook to the 75 at McKenzie Park, 120 at Autumn Oaks, and 100 at Paige Mill Court will produce a total of 367 apartment units over 85 acres, concentrating multi-family housing in a small area served essentially by two two-lane streets (Woodland Avenue, Harkey Road). There are also about 40 houses in the immediate area, for a total of more than 400 dwelling units in that area, as well as apartments at Courtland Village and San-Hills Manor and the Bayberry (a small residential facility). He explained that the purpose of R-12 zoning as defined in the UDO is to preserve neighborhood character and environmentally sensitive and agricultural land areas. He suggested the area is environmentally sensitive because it floods when there is as little as ½ inch of rain in a short time and that is occurring more often. He noted that Mr. Shaw suggested they will analyze 25- to 50-year storm flood records but we have had two 500-year floods in this area in the last two years. Regarding crime, there was a fatal shooting in August 2018 and a fatal stabbing in April 2019 at Autumn Oaks, along with numerous complaints of gunfire, foot chases through yards, and several hit-and-run accidents in the area and there were no problems with these types of activity until about seven years ago. He reviewed photos of flooding along Woodland Avenue in front of the property and suggested that runoff cannot be managed. He also displayed photos of transfer trucks parked along Woodland Avenue.

Mr. Winstead stated that this project would significantly and forever change the character of the neighborhood. Many residents didn't complain when this project was originally presented with single-story buildings for senior living but they see problems with the current proposal. The three-story buildings will be the tallest in the neighborhood and increase density in an area that already has traffic control problems. Many of those he represents have lived in this neighborhood all their lives and while they acknowledge that nothing is wrong with growth and Lee County needs affordable housing, it doesn't need to be on 85 acres in an area served by two two-lane streets. Most importantly, residents don't understand how anything done on the site can alleviate problems on Woodland Avenue.

Mark Way, of 1805 Woodland Avenue, expressed opposition to the project, citing problems with crime that came with increased multi-family housing.

Mr. Carr acknowledged residents' concerns but stated that his company performs crime and credit checks on applicants and they don't have crime-ridden developments at any of their communities. Regarding increased traffic, he noted that the development is currently zoned for 60 apartments and they are seeking 72. He suggested that having more one- and two-bedroom units (rather than three- or four-bedrooms) means there would be fewer people in each apartment and generate less traffic. He also stressed that they are designing the site to mitigate flooding and reduce problems. Rent for one-bedroom units will range from \$810 to \$855; \$1050 to \$1,300 for two-bedroom units; and \$1452 for three-bedroom units (not including utilities). Council Member Salmon requested a list of area residents represented by Mr. Winstead and contact information (as shown on the attached Exhibit A-4).

Sherry Thomas, of 407 Hughes Street, expressed opposition to the project, citing problems with crime in the area.

Aubrey Cox and Joy Cox, of 2024 Woodland Avenue, expressed opposition to the project.

Becky Tillman, of 610 Hughes Street, expressed opposition to the project, citing flooding and subsequent moisture and mold issues at her home.

Mayor Pro Tem Buckels asked whether the landlord would be accepting Section Eight vouchers and questioned the developer's comment that the \$160,000 cost per unit would produce a "very good" product. Mr. Carr responded that they would not be accepting Section Eight vouchers at this development and that the units will have high-quality design and materials, such as brick and hardboard exteriors. They just completed a complex in Wilmington where the cost per unit was \$108,000 and these units would be nicer in comparison.

With no other requests to speak, Mayor Mann closed the public hearing.

Application by Esplanade Communities of Florida, LLC to rezone two vacant tracts of land totaling 29.04 + acres with frontage/access off of Fire Tower Road (SR 1152) from Residential-Mixed Conditional Zoning District (R-6-C) to Residential-Mixed Conditional Zoning District (R-6-C) (Revision #1), with the intent being to revise the subdivision design associated with this specific conditional zoning district. The subject property is identified as Tax Parcels 9641-55-0952-00 and 9641-45-5299-00 as depicted on Lee County Tax Maps 9641.01 and 9641.02. The subject property is illustrated as a 27.9 acre tract of land and an adjoining lot owned by Donnie Ray Pettus on a 2019 plat labeled Boundary Survey for Esplanade Communities of Florida, LLC created by Timmons Group and recorded at Plat Cabinet 2019, Slide 60 of the Lee County Register of Deeds Office – Exhibit B

Zoning Administrator Amy McNeill explained that staff received this application to revise the site plan associated with a conditional zoning district which was triggered by the wetland delineation along an existing creek within the proposed Southern Estates subdivision. She reviewed surrounding land uses, including the Brookhaven subdivision which is zoned R-12, with 42 single family homes served by public water and private septic tank systems. The subject site was rezoned from Residential-Mixed (R-12) to Residential-Mixed (R-6-C) in 2019 to allow a residential single-family subdivision with most lots having a minimum lot frontage of 60 feet (typical for R-6); however, several lots were approved with less than 60 feet of frontage. She noted that the developer had a rough idea in 2019 of the wetlands' location but now have a more exact delineation. She explained that the rezoning request was approved based on the rationale that the subdivision design incorporates many of the components included in the *Plan SanLee* "Suburban Neighborhood" place type, such as detached single-family dwellings; connection to an existing stub street (North Ridge Drive in the Brookhaven subdivision) on an adjoining lot; interconnected curvilinear streets; valley curb; public streets; sidewalks on both sides of all public streets; and public water and wastewater service, with wastewater service through a proposed private lift station connected to the City sewer system.

The current request is based on the wetlands delineation as shown on the map labelled "Wetland Delineation Map" (page three of Exhibit B). As part of the overall redesign, the number of lots was increased from 87 to 92 with the average lot increasing from 7,855 square feet to 8,386 square feet and a decrease of open space from 7.27 acres (25 percent of the site) to 6.48 acres (22.3 percent of the overall site), which still exceeds the five percent minimum required. The proposed density would be three units per acre (92 lots on 29.04 acres). Ms. McNeill explained that no public information meetings were held for the current revisions since they are relatively minor changes but adjoining owners' notices were mailed as required by statute, signs were posted on the subject property, and legal notices were published in *The Sanford Herald*. She concluded by stating that staff recommends Council support the request to rezone this site from Residential-Mixed (R-6-C) Conditional Zoning District to Residential-Mixed (R-6-C) Conditional Zoning District Revision #1, as the subdivision design incorporates many of the components included in the *PlanSanLee* "Suburban Neighborhood" place type. She noted that the density has not changed significantly and 22 percent of the site is dedicated as common open space, which appears to accommodate the needs of residents within the subdivision and offsets the higher

density. She also noted that information presented at this public hearing should also be considered in the final decision.

Mayor Mann opened the public hearing.

Nadella Wilson, of 2813 Brookhaven Drive, asked whether the sewer system for the new subdivision would connect to Brookhaven or allow them to connect to the City's system. She also noted that traffic from the new development will increase traffic and affect their neighborhood.

Mark Lyzkowski, of 3018 Carrington Lane, representing the developer on this project, stated that their engineers verified the wetlands and noted that the approved 2019 design shown on page 3 of Exhibit B was the original delineation presented for approval but construction drawings were prepared and permitting for erosion control was sought with the Army Corps of Engineers ("Corps"). Their engineer met with the Corps and unfortunately, the Corps did not agree with the consultant who analyzed the wetlands. The 2020 design on the right side of page 3 of Exhibit B illustrates what the Army Corps' considers environmentally sensitive wetlands, so the plan was redesigned to move the crossing to the north. Because they are impacting wetlands, they will have to obtain permits and pay impact fees that can range up to \$66,000 per acre, and the additional five lots will help offset some of that cost.

Regarding the sewer system for the development, Mr. Lyzkowski explained that the public lift station that the developer will install will be constructed to City standards and inspected by the City. Originally, it was to service only the 90 lots in the subdivision but it may be large enough to serve additional properties located upstream. Downstream properties cannot be served unless the lift station is moved further downstream, on the other side of Brookhaven. Council Member Taylor questioned the cost difference to locate it downstream from Brookhaven and whether that could be recouped in assessments. Mr. Lyzkowski explained that it wouldn't cost any more but the difference would be the cost of the outfall line running through the middle of Brookhaven. There would be costs for one essential outfall line and collector lines that would have to run through the streets, as well as servicing them and repairing damage to streets. Mr. Taylor questioned whether these expenses could be handled through assessments. Mr. Hegwer confirmed this would open a larger area for potential sewer service and move sewer nearer to Brookhaven; however, Brookhaven residents would have to request sewer service and annexation is typically required to receive City sewer service. He stated that staff could analyze costs and determine whether there is community interest. Mr. Lyzkowski noted this situation may be similar to the Brownstone development where the lift station was eventually relocated downstream to provide opportunities for other developments. He also commented that the lift station may benefit property across Fire Tower Road owned by the Ruby McSwain Estate that may be used as an agriculture center for Central Carolina Community College (200 to 300 acres) that has been restricted for educational purposes. Mr. Taylor questioned whether any provision could be made to the developer if they allow the lift station to be relocated to benefit Brookhaven and Mr. Hegwer confirmed that may be possible. Mr. Lyzkowski agreed that the developer may be receptive to that option, but only if there are no delays with the project. Regarding the process for Brookhaven residents who want City sewer service, Mr. Hegwer explained that the level of neighborhood interest in annexation must be determined but City staff can help with this process.

Mayor Pro Tem Buckels agreed that Council should not delay the project but we should investigate what can be done to offer sewer service to Brookhaven residents if preliminary cost estimates appear feasible. Mr. Hegwer explained that staff could present information on this issue at a subsequent Council meeting and Mayor Mann suggested that Ms. Wilson begin communicating with fellow

Brookhaven residents to gauge interest. Mr. Hegwer explained that if there appears to be interest, neighborhood meetings could be considered.

Robert Wilson, of 2813 Brookhaven Drive, noted that Brookhaven residents will need cost estimates to make decisions on whether they would support City sewer service. Mayor Mann agreed and requested that the Engineering Department research preliminary cost estimates.

With no additional speakers, Mayor Mann closed the public hearing.

OTHER BUSINESS

Council Member Taylor stated that he has heard concerns about traffic and would like Council to consider erecting stop signs on Valley Road, at its intersections with Lakeland and Rockwood. He also requested traffic studies in areas not covered in the recent speed limit reduction to 25 miles per hour in Westlake Valley. Mayor Mann noted there was an accident recently in the Valley Road area and suggested a presentation be given soon on the pros and cons of speed bumps and other traffic calming measures.

ADJOURNMENT

Council Member Taylor made the motion to adjourn the meeting; 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.

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

VICKI R. CANNADY, DEPUTY CITY CLERK

**MINUTES OF
SPECIAL CALLED ELECTRONIC MEETING -
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council held a special-called electronic meeting (Office Suite HD) on Wednesday, July 15, 2020, at 4:00 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Mayor T. Chet Mann
Council Member Sam Gaskins
Council Member Charles Taylor
Council Member Rebecca Wyhof Salmon
City Manager Hal Hegwer
City Clerk Bonnie Davis

Mayor Pro Tem Byron Buckels
Council Member Jimmy Haire
Council Member Norman Charles Post, III
Council Member James Williams
City Attorney Susan Patterson

Absent:

Deputy City Clerk Vicki Cannady

CALL TO ORDER

Mayor Mann called the meeting to order and explained that it was being held electronically due to precautions related to the COVID-19 pandemic. Council Member Taylor led the invocation and the Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Council Member Taylor made the motion to approve the agenda and Council Member Gaskins seconded the motion. Mayor Mann conducted a roll call vote and the motion carried unanimously.

DECISIONS ON PUBLIC HEARINGS

Consider Adoption of Ordinance for Rezoning – approval of request from Beacon Management Corporation for property owned by Winding Brook Limited Partnership to rezone one 8.63 + acre tract of land addressed as 2107 Woodland Avenue from the current zoning of Winding Brook Apartments Conditional Zoning District (Revision #1) to Winding Brook Apartments Conditional Zoning District (Revision #2), with the intent being to revise the site plan design associated with this specific conditional zoning district. The subject property was formerly developed with several structures addressed as 2111, 2113, and 2201 Woodland Avenue and is depicted on Lee County Tax Maps 9652.18 and 9652.14 as Tax Parcel 9652-32-3205-00, Lee County Land Records – Exhibit A

Zoning Administrator Amy McNeill explained that a public hearing was held on Monday, July 13, 2020, at the Dennis A. Wicker Civic Center with the Planning Board and Sanford City Council.

The Planning Board recommends that the City Council support the petition by Beacon Management Corporation to rezone from Winding Brook Apts. Conditional Zoning District (Revision #1) to Winding Brook Apts. Conditional Zoning District (Revision #2), with the intent being to revise the site plan associated with a conditional zoning district as it appears to be reasonable and in the public interest because the revisions to the site plan/project scope appear to be in keeping with the *Plan SanLee* “Urban Neighborhood” land use designation, given that it is a multi-family apartment community with a density that does not exceed the recommended ten to sixteen units per acre and is

proposed to be served by public water and public sewer. Also, overall, the revised design does have less impervious surface with storm water retention ponds/basins incorporated into the site.

The Planning Board voted four to one in favor of the petition and there was considerable discussion regarding problems with stormwater in this area. In general, the board expressed concern and acknowledged that they felt that the City should do more to help with the problems in that area residents are experiencing, such as stormwater and crime, but they felt that it was unfair to expect the developer of this project, or any project in this area to remedy these problems or other problems associated with growth. Several board members stated that the City should regulate stormwater and either hire staff or contract with an outside firm, to implement and enforce new stormwater regulations and to review project plans to ensure that the retentions/detention ponds are appropriately sized as stormwater is a concern all over the City, not just in the Old Jonesboro area.

Mr. Williams stated that he received a few calls saying that the original plan was a better plan than the one the company is proposing now. It sounds like the new plan is better for stormwater than the original one. He felt he should bring this up as some of the people are saying they like the idea of single-family homes because it seemed to fit the neighborhood better and thought it would be better for stormwater than the three-story buildings. Mayor Mann stated that the original zoning that was approved for eleven buildings, but now we are looking at rezoning only three to four buildings.

Ms. McNeill displayed the original plan (approved in 2015) and it showed ten apartment buildings with one clubhouse that were one-story; with more buildings you do have more impervious surface. You have more impervious surface with multiple buildings. Ms. McNeill added that if Council does not approve this new plan, the developer can still build the homes from the original 2015 plan. The new plan has three buildings; it has less impervious surface. She noted that she is not a stormwater engineer and they do not regulate stormwater and she cannot say this is a better stormwater design. Mayor Mann stated the more impervious surfaces you have the worse your runoff would be. Ms. McNeill replied she felt that was a logical conclusion.

Ms. McNeill stated that the City Council will need to take two votes tonight. A vote will need to be taken whether or not to approve a statement on long range plan consistency as it relates to this rezoning request and a separate vote to approve or deny the rezoning request.

APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Council Member Taylor made the motion that the proposed zoning map amendment is consistent with the adopted long-range plan. Seconded by Council Member Jimmy Haire, the motion carried with a four to three roll-call vote. Voting in favor that the proposed zoning map amendment is consistent with the adopted long-range plan were Council Members Taylor, Williams, Gaskins and Haire by a roll-call vote. Council Members casting the dissenting votes were Mayor Pro Tem Buckels, and Council Members Post and Salmon.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Council Member Williams made the motion to approve the ordinance based on the information presented and by the recommendation of the Planning Board. Council Member Charles Taylor seconded the motion. The motion carried in favor with a four to three roll-call vote. Voting in favor were Council Members Taylor, Williams, Gaskins and Haire. Mayor Pro Tem Buckels and Council Members Post and Salmon casting the dissenting votes.

Consider Adoption of Ordinance for Rezoning – approval of request from Esplanade Communities of Florida, LLC to rezone two vacant tracts of land totaling 29.04 + acres with frontage/access off of Fire Tower Road (SR 1152) from Residential-Mixed Conditional Zoning District (R-6-C) to Residential-Mixed Conditional Zoning District (R-6-C) (Revision #1), with the intent being to revise the subdivision design associated with this specific conditional zoning district. The subject property is identified as Tax Parcels 9641-55-0952-00 and 9641-45-5299-00 as depicted on Lee County Tax Maps 9641.01 and 9641.02. The subject property is illustrated as a 27.9-acre tract of land and an adjoining lot owned by Donnie Ray Pettus on a 2019 plat labeled Boundary Survey for Esplanade Communities of Florida, LLC created by Timmons Group and recorded at Plat Cabinet 2019, Slide 60 of the Lee County Register of Deeds – Exhibit C

Zoning Administrator Amy McNeill explained that a public hearing was held on Monday, July 13, 2020, at the Dennis A. Wicker Civic Center with the Planning Board and Sanford City Council. The Planning Board recommended that this rezoning be approved with the intent to revise the subdivision design due to the US Army Corp of Engineers wetland delineating, along an existing creek on the subject property. The rationale for the recommendation is that the revised subdivision design still incorporates the components of the original design that were included with the *Plan SanLee* “Suburban Neighborhood” place type, such as detached single-family dwellings, a connection to an existing stub street which is North Ridge Drive on an adjoining lot, interconnected curvilinear streets, valley curb, public streets, public water, public wastewater, and sidewalks on both sides of all public streets. The vote was unanimous by the Planning Board with discussion regarding the City providing information to the residents of the adjoining Brookhaven Subdivision regarding the requirements for possibly connecting to public sewer in the future. Overall, the consensus was the design had not significantly changed and it was being revised to accommodate the wetlands on site, so the Planning Board recommended approval.

Mr. Williams asked have they had time to look at the possibility of extending city sewer to the existing neighborhood. Mr. Hegwer replied that the developer is building a lift station or pump station within that neighborhood and that sewer would be pumped up and back across Highway 78 in the future. What would have to happen is the sewer within that neighborhood would be gravity collection system and it would be pumped again to another point in our sewer system. That lift station would have to be relocated or taken out of service because the sewer in that neighborhood would flow into the next neighborhood (being talked about) and then run a collection system in that neighborhood. Staff is working on it and anticipate coming back to Council quickly, maybe at next week’s meeting.

Mr. Taylor noted that once it is approved, at what junction does the decision have to be made on the lift station and the location of the lift station on the property and how much time between now and then before they will be locating that on the property? Mr. Hegwer responded that he does not have a complete time frame on how quickly the developer can move; we are just changing conditional zoning on the property. We do not have their exact plans and we are not sure how much interest there is in the neighborhood for sewer. It is hard to answer that question.

APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Council Member Salmon made the motion that the proposed zoning map amendment is consistent with the adopted long-range plan. Seconded by Council Member Williams, the motion carried unanimously by a roll-call vote.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Consider Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina. – Exhibit D

Council Member Taylor made a motion to approve the Ordinance Amending the Official Zoning Map and the motion was seconded by Council Member Williams. The motion carried unanimously by a roll call vote.

Other Business

Council Member Taylor heard a lot of comments from residents around Woodland Avenue, especially with drainage problems and he would like for staff to look at that area along the creek, as opposed to north and south. It would be prudent to look at that as a whole; we have made some improvements but there are some other areas we can improve down stream that could help our problem upstream. He would like to see more detail on this matter. There has also been some discussion in the past regarding actual personnel for stormwater management and, at that time, there was a cost factor with having more staff, but we need to look and see if we can contract this out.

ADJOURNMENT

Council Member Gaskins made the motion to adjourn the meeting and the motion was seconded by Mayor Pro Tem Buckels. The motion carried in favor unanimously by a roll call vote.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

**MINUTES OF
ELECTRONIC MEETING -
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met remotely through electronic connections (Office Suite HD) on Tuesday, August 4, 2020, at 6 p.m., with the Mayor presiding from the Council Chambers of the Sanford Municipal Center, 225 E. Weatherspoon Street. The following people were connected (“present”) and participated remotely in the meeting:

Mayor T. Chet Mann
Council Member Sam Gaskins
Council Member Rebecca Wyhof Salmon
Council Member James Williams
City Attorney Susan Patterson
Management Analyst Holly Marosites

Mayor Pro Tem Byron Buckels
Council Member Charles Taylor
Council Member Norman Charles Post, III
City Manager Hal Hegwer
Deputy City Clerk Vicki Cannady

Absent:

Council Member Jimmy Haire
City Clerk Bonnie Davis

CALL TO ORDER

Mayor Mann called the meeting to order and explained that it was being held electronically due to precautions related to the COVID-19 pandemic. He led the invocation and held a moment of silence to recognize the passing of Keith Davis, husband of City Clerk Bonnie Davis. The Pledge of Allegiance was recited.

PUBLIC COMMENT (Exhibit A)

There were no requests for public comment. *NOTE: The Notice of Electronic Meeting (attached hereto as Exhibit A) directed that anyone who wanted to make a public comment at this meeting should email or contact Deputy City Clerk Vicki Cannady and the comments would be read aloud during the meeting; however, no requests were received.*

APPROVAL OF AGENDA

Council Member Gaskins made the motion to approve the Agenda, which was seconded by Mayor Pro Tem Buckels and carried unanimously through a roll call vote.

CONSENT AGENDA

City Council Special Called Meeting Minutes dated June 2, 2020 (filed in Minute Book 102)

Recommendation to Enter into an Encroachment Agreement for Little Buffalo Sanitary Sewer Rehabilitation Project (Exhibit B)

Resolution Authorizing Sanford ABC Board’s Adoption of the Travel Policy of the City of Sanford as the Travel Policy of the Sanford ABC Board (Exhibit C)

Preliminary Plat Renewal for Eagle Crest Place Subdivision (Exhibit D)

Preliminary Plat for Moncure Hills Subdivision (Exhibit E)

Increase of Head Count in Horticulture Department (Exhibit F)

Mayor Pro Tem Buckels made a motion to approved the Consent Agenda, which was seconded by Council Member Taylor and carried unanimously through a roll call vote.

REGULAR AGENDA

Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Cemetery Road Water Line Extension (Exhibit G)

City Engineer Paul Weeks explained that construction is now complete om this project. It extends water service to eight parcels as shown on the attached map and six are already connected. The resolution declares the cost of the project, orders preparation of an assessment roll and sets the public hearing for 6:00 p.m. on September 15 at the Civic Center. The assessment for each property is \$5,497.82 (one is higher because it also includes the water tap). After the public hearing, another resolution will be presented to Council to levy the assessment and notifications will be sent approximately 20 days thereafter to property owners, who will have 30 days to determine whether they want to pay in full or finance the assessment at eight percent annual interest over ten years.

Council Member Gaskins made the motion to approve the Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Cemetery Road Water Line Extension. The motion was seconded by Council Member Taylor, and carried unanimously through a roll call vote.

Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Franklin Drive Water Line Extension (Exhibit H)

City Engineer Paul Weeks explained that construction is now complete on this project. It extends water service to six properties as shown on the attached map and three are already connected. The resolution declares the cost of the project, orders preparation of an assessment roll and sets the public hearing for 6:00 p.m. on September 15 at the Civic Center. The assessment for each property is \$5,708.88. After the public hearing, another resolution will be presented to Council to levy the assessment and notifications will be sent approximately 20 days thereafter to property owners, who will have 30 days to determine whether they want to pay in full or finance the assessment at eight percent annual interest over ten years.

Council Member Post made the motion to approve the Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Franklin Drive Water Line Extension. The motion was seconded by Council Member Gaskins, and carried unanimously through a roll call vote.

Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Botany Woods Sewer Line Extension (Exhibit I)

City Engineer Paul Weeks explained that construction on this project was completed in March, at which time property owners were allowed to connect. It extends sewer service to 35 properties and 19 of them are already connected. This resolution declares the cost of the project, orders preparation

of an assessment roll and sets the date and time of the public hearing for 6:00 p.m. on September 15 at the Civic Center. The assessment for each property is \$6,927.91. After the public hearing, another resolution will be presented to Council to levy the assessment and notifications will be sent approximately 20 days thereafter to property owners, who will have 30 days to determine whether they want to pay in full or finance the assessment at five percent annual interest over ten years.

Council Member Gaskins made the motion to approve the Resolution Declaring Cost and Ordering Preparation of Preliminary Assessment Roll and Setting Time and Place for Public Hearing on Preliminary Assessment Roll – Cemetery Road Water Line Extension. The motion was seconded by Council Member Salmon, and carried unanimously through a roll call vote.

Petition Requesting Non-Contiguous Annexation – Property Owned by Village of Cumnock, LLC, on Cumnock Road

Mayor Mann explained that this issue was previously presented at a City Council meeting (February 18, 2020) but was tabled until additional information was received.

Council Member Gaskins made a motion to take the Resolution Directing the Clerk to Investigate a Petition for Non-Contiguous Annexation from the table. The motion was seconded by Mayor Pro Tem Buckels and unanimously approved through a roll call vote.

Senior Planner David Montgomery reminded Council that additional information on this item was presented last month by Community Development Director Marshall Downey, at which time consensus was reached to move forward and this resolution directing the Clerk to investigate the sufficiency of the petition is the first step in the process. The property is located in the Cumnock area as shown on the map included in Exhibit J. The applicant is proposing R-6 and multi-family uses and the property may ultimately be sold to a contractor or developer at some point in the future. Mr. Downey explained that staff is working with the applicant to gather information to be presented at a neighborhood meeting (a location has been secured and dates are being considered).

- Resolution Directing the Clerk to Investigate a Petition for Non-Contiguous Annexation Under G.S. 160A-58.1 (Exhibit J)

Mayor Pro Tem Buckels made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Requesting Non-Contiguous Annexation under N.C.G.S. 160A-58.1 for property owned by the Village of Cumnock, LLC, on Cumnock Road. The motion was seconded by Council Member Gaskins and approved through a roll call vote, with five in favor (Mayor Pro Tem Buckels, Council Members Post, Salmon, Williams and Gaskins) and Council Member Taylor voting against.

Petition Requesting Contiguous Annexation – Property Owned by Westfall, LLC, on Windmere Drive

Deputy Clerk Vicki Cannady confirmed that the Petition Requesting Contiguous Annexation of Property to the City of Sanford, NC – Westfall, LLC (attached hereto as Exhibit K) was sufficient.

Community Development Director Marshall Downey explained that the developer wants to expand the Westfall subdivision and annexing this property will provide additional residential lots.

- Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 (Exhibit L)
Council Member Gaskins made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously through roll call vote.

Agreement between Lee County and City of Sanford for Reimbursement of Coronavirus Aid, Relief and Economic Security (“CARES”) Act Funding (Exhibit M)

Financial Services Director Beth Kelly explained that this agreement documents the distribution of \$588,423.96 in CARES Act funding from the County to the City and outlines how invoices and reports will be submitted for each month.

Council Member Salmon made a motion to approve the Agreement between Lee County and the City of Sanford for Reimbursement of Coronavirus Aid, Relief and Economic Security (“CARES”) Act Funding. Seconded by Council Member Gaskins, the motion carried unanimously through roll call vote.

NEW BUSINESS

There were no items for new business.

OTHER BUSINESS

Council Member Williams questioned how CARES Act funding would be used. City Manager Hegwer explained that these funds will be used to mitigate expenses directly related to COVID-19 and not replace any lost revenue (sales tax revenues losses, etc.). It will also reimburse the City for expenses already incurred for protective equipment (masks, gloves, hand sanitizer, hand sanitizing stations, cleaning supplied, etc.), laptops (for working remotely), and salary expenses for employees who have been impacted by COVID-19. Financial Services Director Beth Kelly explained that funds must be spent before December 31, 2020, and ineligible expenses would be reimbursed to the County. Discussions regarding revenue replacement are ongoing but no decision has been made. Council Member Gaskins stated that shields in the Revenue Department would be covered and agreed that the HEROES (Health and Economy Recovery Omnibus Emergency Solution) Act introduced in the House of Representatives includes assistance to local governments and the HEALS (Health, Economic Assistance, Liability Protection and Schools) Act introduced in the Senate does not; he also noted that assistance to replace lost revenues does not look very promising.

City Manager Hegwer expressed gratitude that our area was spared from Hurricane Isaias damage. Ms. Kelly explained that the City’s Customer Service Department would be open Monday through Friday from 9:00 a.m. through 3:00 p.m.; however, staff is encouraging customers to make appointments to arrange payment plans. Mayor Mann noted that appointments can be made to meet with staff in the Engineering, Public Works and Administrative Departments. Mr. Hegwer added that the public has been very receptive to face mask requirements (masks are available for those who need them) and office hours will be adjusted as needed.

Mayor Mann stated that a workshop will be held electronically next week that may include preliminary information on an ethnicity and equality study done with the UNC School of Government. He encouraged everyone to adhere to pandemic safety protocols and wear a face mask

in public, especially when it is difficult to observe social distancing guidelines, and commented on the importance of gaining and maintaining perspective. He also explained that construction is ongoing at the MINA Charter School, along with the Bharat Forge and Audentes industrial projects, and Third Wave Housing is working with Par 5 to develop multi-family housing at the Kendal Shopping Center in Jonesboro.

Council Member Taylor commented that Moen has announced that they will lay off about half of their employees before January and requested an economic update from SAGA.

ADJOURNMENT

Mayor Pro Tem Buckels made the motion to adjourn the meeting; seconded by Council Member Taylor, the motion carried unanimously through a roll call vote.

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

Respectfully Submitted,

T. CHET MANN, MAYOR

ATTEST:

VICKI R. CANNADY, CITY CLERK



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: August 27, 2020

SUBJECT: Ordinance regarding speed limit on Enterprise Park Drive in Central Carolina
Enterprise Park

Enterprise Park Drive (formerly Clyde Rhyne Drive from Womack to Colon) was constructed by the County and then turned over to NCDOT. The City of Sanford took over the road in 2017. The speed limit on that section of road was not posted therefore it defaulted to the City-wide limit of 35 MPH.

An engineering study was performed on the road and, due to its nature, and current stage of development, 45 MPH is a more appropriate speed limit. We expect this to change as the park develops out.

Staff recommends that Council adopts the attached speed limit Resolution.

**Ordinance Establishing Speed Limit
on Enterprise Park Drive
in the City Limits of Sanford**

WHEREAS, Enterprise Park Drive is the main road through Central Carolina Enterprise Park within the City Limits of Sanford; and,

WHEREAS, according to NCGS §20-141(b), the current speed limit on Enterprise Park Drive is 35 mph; and,

WHEREAS, NCGS §20-141(e) authorizes local authorities within their respective jurisdiction by ordinances to set higher or lower speeds than that set forth in NCGS §20-141(b).

NOW, THEREFORE, BE IT ORDAINED, by the SANFORD CITY COUNCIL that:

1. The Sanford City Council declares that the speed limit on Enterprise Park Drive, between Colon Road and Womack Road, is hereby set at 45 mph.
2. Staff is hereby directed to erect appropriate signs giving notice of the established speed limit.
3. This ordinance shall become effective when the signs giving notice of the authorized speed limit are erected.

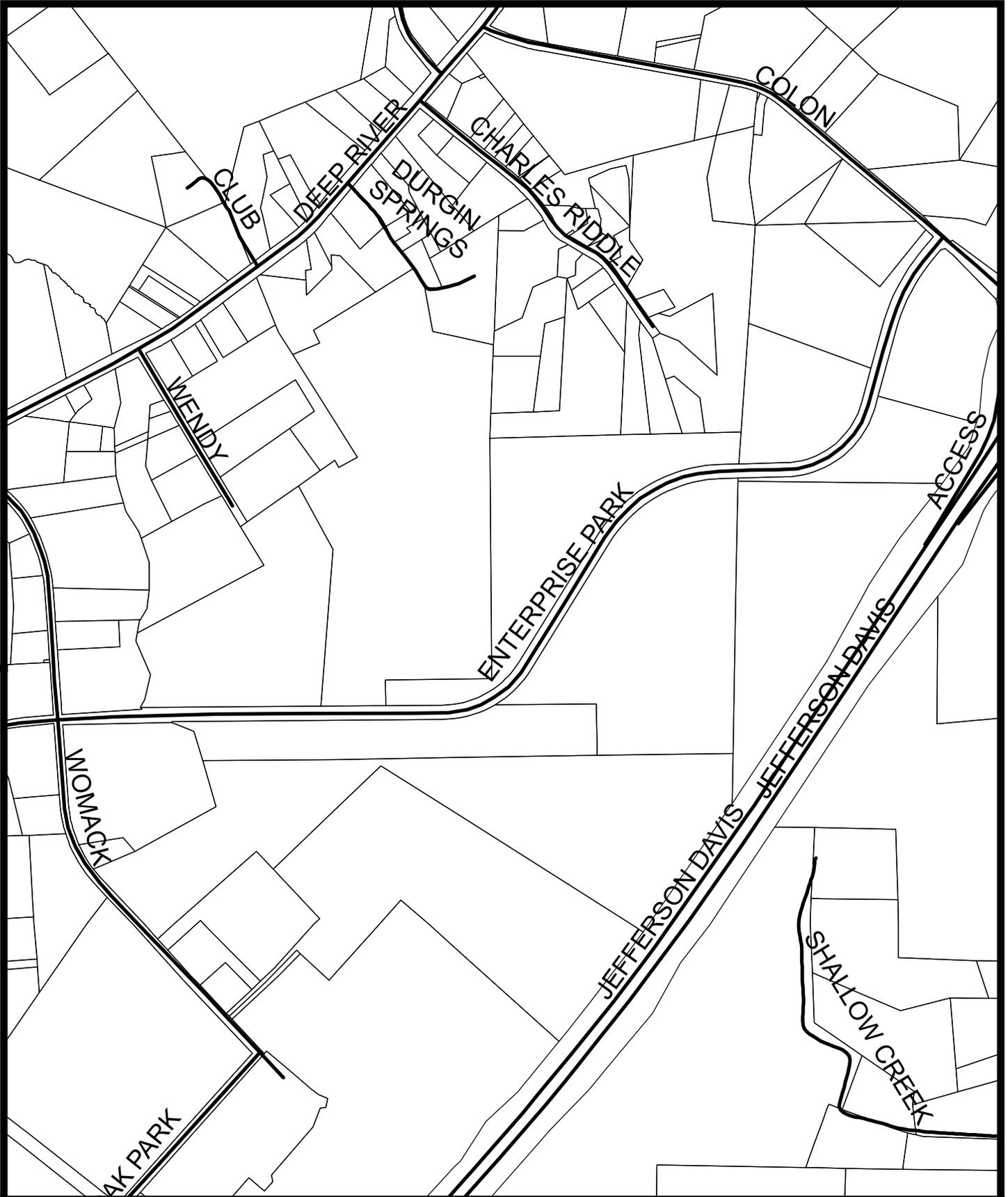
ADOPTED this 1st day of September, 2020.

T. CHET MANN, MAYOR

ATTEST:

BONNIE DAVIS, CITY CLERK

SUSAN C. PATTERSON, CITY ATTORNEY



45 MPH SPEED LIMIT

Date: 08/17/20

Scale: Not to Scale

Drawn By: Staff

**CITY OF SANFORD CITY COUNCIL
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT /REZONING
September 1, 2020**

APPLICATION# 2020-0801 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:

The Planning Board recommends that the City Council support the petition by (Mike) Wadfy H. Abou Awad to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land addressed as 801/809 Hawkins Avenue, from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2).

Even though the request is not consistent with the *Plan SanLee* Land Use Plan designation as “Neighborhood Center,”, the Board determined that is reasonable because there is already C-2 zoning on the property & in the area and public water, sewer, and streets are available to accommodate future expansion or development at this location. They also determined that it is in the public interest because the applicant/property owner has improved the property by fixing up the existing restaurant building and eliminating the mobile home park and will continue to do so if he can rezone the property to C-2. The vote was unanimous with general discussion regarding that the rezoning would help a local business to continue to prosper and grow.

VOTE #1: APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Motion Option 1: *“I make a motion that that the proposed zoning map amendment **IS** consistent with the adopted long-range plan.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment **IS NOT** consistent with the adopted long-range plan because it is not in keeping with the long range plan designation of “Neighborhood Center”, which recommends Light Commercial & Office (C-1) or Neighborhood Commercial (NC) at this location.*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Motion Option 1: *“I make a motion that the proposed zoning map amendment is reasonable and in the public interest because there is C-2 zoning on the property & in the area and public water, sewer, and streets are available to accommodate future expansion or development at this location. Therefore, I move to **APPROVE** the request to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land at 801/809*

Hawkins Avenue from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2)."

Motion Option 2: *"I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because it is not consistent with the long range plan, which was adopted to serve as a guide for future growth. Therefore, I move to **APPROVE** the rezoning of a 0.92 ± acre portion of a 2.56 ± acre tract of land at 801/809 Hawkins Avenue the property, not to General Commercial (C-2), but to Light Commercial & Office (C-1) to be consistent with the long range plan and to serve as the start of transitioning this area from the old long range plan to the new long range plan."*

Motion Option 3: *"I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because it is not consistent with the long range plan, which was adopted to serve as a guide for future growth. Therefore, I move to **DENY** the request to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land at 801/809 Hawkins Avenue from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2)."*

Option 4 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

REZONING REPORT FROM AUGUST 18, 2020 AGENDA

Applicant & Owner: (Mike) Wadfy H. Abou Awad

Request: Rezone from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2)

Location: 801 and 809 Hawkins Avenue, Sanford, NC 27330

Township: West Sanford

Tax Parcel: 9643-64-0140-00, a 0.92 ± acre portion

Adjacent Zoning: North: General Commercial (C-2) and Residential-Mixed (R-12)

South: Residential-Mixed (R-12), Opposite Hill Avenue

East: General Commercial (C-2) and Residential-Mixed (R-12), Opposite Hawkins Avenue

West: Residential-Mixed (R-12)

Introduction: Mr. (Mike) Abou Awad has submitted a request to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land as the first step in redeveloping the site in a commercial manner. Mike owns and operates the Hawkins Grill and Pizzeria at 809 Hawkins Avenue and would like to either renovate the existing building or demolish the existing building and construct a new restaurant on this site. The future plans for the site are uncertain at this time, but rezoning a portion of the site that used to be a mobile home park from residential to commercial will increase the developable area for any future project(s). Therefore, Mike has submitted a rezoning request for your consideration.

Site and Area Description: The area proposed for rezoning is located to the south (left) and west (rear) of an existing commercial building occupied by the Hawkins Grill and Pizzeria at 809 Hawkins Avenue. This one tract of land has an area zoned Residential Mixed with a Mobile Home Park Overlay District

(R-12-MH) that is vacant, an area zoned General Commercial (C-2) that is developed with a restaurant addressed as 809 Hawkins Avenue, and an area zoned Office & Institutional (O&I) that is developed with a residential structure addressed as 801 Hawkins Avenue. This rezoning request would increase the amount of acreage that is zoned General Commercial (C-2) on this one tract of land.

Surrounding Land Uses:

- North: North of the rezoning site, on the same tract of land, is the Hawkins Avenue Grill and Pizzeria. The adjoining tract to the north is a commercial building that was formerly occupied by a church.
- South: South of the rezoning site, on the same tract of land, is a residential structure addressed as 801 Hawkins Avenue. The adjoining tract to the south, opposite Hill Avenue, is developed with a house addressed as 723 Hawkins Avenue.
- East: Opposite Hawkins Avenue, is the Sobe Mart convenience store with gas sales at 800 Hawkins Avenue
- West: West of the rezoning site, on the same tract of land, is an area that used to be a mobile home park that has since be cleared (all mobile homes removed) and single-family homes off of Greensboro Avenue.

Zoning District Information

Existing Zoning: Approximately 0.58 of an acre of the existing parcel is zoned Residential-Mixed (R-12) district, which is established to provide areas for a mix of residential dwelling types with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. The dimensional requirements include a minimum lot width of 75 feet, a minimum lot depth of 100 feet, a minimum lot size of 12,000 square feet, with principal building setbacks of 30 feet from the front property line, 20 feet from the rear property line and 12 feet from the side property lines with a maximum building height of 40 feet.

Examples of uses permitted by right within the R-12 zoning district include single-family detached homes (site-built and modular), duplexes, parks, and churches. There is a list of permitted uses for this zoning district included within the agenda for your reference.

The Mobile Home Park Overlay District is an overlay district that allows a mobile home park on site, subject to development standards.

Existing Zoning: Approximately 0.34 of an acre of the existing parcel is zoned Office & Institutional (O&I) district, which is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions. The dimensional requirements include a minimum lot width of 50 feet, a minimum lot depth of 100 feet, with no minimum lot size (50 x 100t = 5,000sf lot, by default), with principal building setbacks of 10 feet from the front property line and the rear and side minimum building setbacks being determined by the required landscape buffer yard width based on the type of proposed development. The maximum building height is 60 feet. Examples of uses permitted by right within the O&I zoning district include office buildings, florists, restaurant with no drive-through, funeral homes, and medical offices. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Proposed Zoning: The General Commercial (C-2) district is established 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. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. C-2 zones should be located on or within proximity to major thoroughfares. This shall not apply where an existing building or structure used as permitted within the C-2 District has been established prior to the adoption of the UDO on a parcel subject to an application for rezoning.

The dimensional requirements include a minimum lot width of 50 feet, a minimum lot depth of 100 feet, with principal building setbacks of 10 feet from the front property line, with the rear and side minimum building setbacks being determined by the required landscape buffer yard width based on the type of proposed development. There is no maximum building height. Examples of uses permitted by right within the C-2 zoning district include office buildings, convenience stores with or without gas sales, restaurants with and without drive-in/drive-through facilities, grocery stores/supermarkets (any size), motor vehicle sales & service, hardware, home center, lumber yard, heating & plumbing, etc. with or without outdoor storage, religious complexes (any size), and schools. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Overlay Districts

Long Range Plan: The *Plan SanLee* land use plan identifies the future land use place type for this tract of land as “Neighborhood Center,” which has the following characteristics:

- Small scale mixed-use pedestrian oriented commercial centers
- Located around major intersections within Urban Neighborhoods, transitional areas at the edge of a Commercial Corridor or Downtown or at the edge of a Suburban Neighborhood
- Local example – Bragg Street / Oakwood Avenue – intersection in Sanford

Land use designations include Employment (professional offices and business services), Residential (attached single-family dwellings, multi-family dwellings, upper story residences in mixed-use buildings), Civic (churches, schools, civic organizations, government services, public gathering spaces), and Commercial (retail stores, personal services, and entertainment). Forms of transportation include (from low to high priority mode) public transit, vehicular connectivity, on-street bike lanes, and sidewalks. Context includes Development Density with small urban commercial lots, small to medium sized shopping centers, MF 10-16 dwelling units/acre, Shallow to moderate building setbacks, and a 45ft height limit. Utility Infrastructure with public water and public wastewater. A Preferred Character of a 2-3 lane urban streets, focused on intersections, street trees & sidewalks, on-street, side & rear parking, and landscaped off-street parking. The Current Districts include Light Commercial & Office (C-1) and Neighborhood Commercial (NC) as primary districts and Office & Institutional (O&I) and Multi-family (MF-12) as secondary. The Proposed Districts are Neighborhood Commercial, Office & Institutional, and Multi-family Residential.

Local Overlay District Notes: Per GIS, the parcels are not located within an established floodplain or watershed. The parcels are also not located within a designated wetland area. Also, these parcels are not located within a designated historic district.

The following is a general note included with all rezoning requests: Sanford, Lee County, and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program via mail 1612 Mail Service Center, Raleigh, NC 27699-1612, via phone at 877-623-6748 or visit the NCDEQ website at <http://deq.nc.gov>. The physical address of the office is 217 W. Jones Street, Raleigh, NC 27603.

Utilities: The subject property appears to have access to public water via a six-inch public water main that runs parallel to Hawkins Avenue and a six-inch public water main that runs parallel to Hill Avenue. The subject property appears to have access to public sanitary sewer via an existing 8-inch sewer that also runs parallel to Hawkins Avenue and an existing 8-inch sewer that also runs parallel to Hill Avenue. If the rezoning is approved, all new development or redevelopment that proposes to connect to public water and/or public sewer must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

Transportation: The subject property has approximately 394ft of frontage on Hawkins Avenue (Hwy 1 Business/5-501), a NCDOT maintained public roadway with a 100ft right-of-way width in this area. There is also approximately 118ft of frontage on Hill Avenue, a City maintained public roadway with a 60ft right-of-way width. The area to be rezoned has 182.26ft of frontage on Hawkins Avenue and 118ft of frontage on Hill Avenue.

Development Standards: If rezoned, all of the uses permitted in the General Commercial (C-2) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO.

Staff Information Regarding a Recommendation from the Planning Board: The recommendation from the Planning Board should include language describing whether the action is consistent with an adopted comprehensive plan (*Plan SanLee*) and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.

Staff Recommendation: The long range plan designation of “Neighborhood Center” as the future land use place type for this tract of land includes Light Commercial & Office (C-1) and Neighborhood Commercial (NC) as current zoning designations. Therefore, the Boards should consider rezoning to Light Commercial & Office (C-1) district, as this would accomplish the applicant’s goal while complying with the land use plan. Many of the same land uses, including a restaurant with or without a drive-thru, would be allowed. There is no C-1 zoning in the area, but this would be the start of transitioning this area from the old plan to the new plan; therefore, spot zoning should not be an issue.

Light Commercial & Office (C-1) district is established to provide areas for indoor retail, service and office uses. The purpose of the C-1 district is to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for an orderly transition between uses and they should be located in areas which continue the orderly development and concentration of moderate commercial uses. C-1 zones should also be located on or within proximity to major and/or minor thoroughfare.

Procedurally, since C-1 is a less intensive zoning district than C-2, it is the understanding of staff that the boards should be able to vote to assign this zoning district to the land without having to restart the rezoning process for the applicant

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA**

WHEREAS, a request to amend the Official Zoning Map has been received from Wadfy (Mike) H. Abou Awad to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land from addressed as 801/809 Hawkins Avenue, and identified as a portion of Tax Parcel 9643-64-0140-00 as depicted on Lee County Tax Map 9643.15, from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2), and;

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on August 18, 2020 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone a 0.92 ± acre portion of a 2.56 ± acre tract of land from addressed as 801/809 Hawkins Avenue, and identified as a portion of Tax Parcel 9643-64-0140-00 as depicted on Lee County Tax Map 9643.15, from Residential Mixed with a Mobile Home Park Overlay District (R-12-MH) and Office & Institutional (O&I) to General Commercial (C-2). A vicinity map and survey map of the subject property are included as Attachments A and B.

In making this decision, the City Council of the City of Sanford hereby finds that, while the request for General Commercial (C-2) zoning does not conform with the recommendation of the long-range plan designation of Neighborhood Center, the proposed zoning map amendment is reasonable and in the public interest because there is C-2 zoning on the property & in the area and public water, sewer, and streets are available to accommodate future expansion or development at this location.

ADOPTED this the 1st day of September 2020.

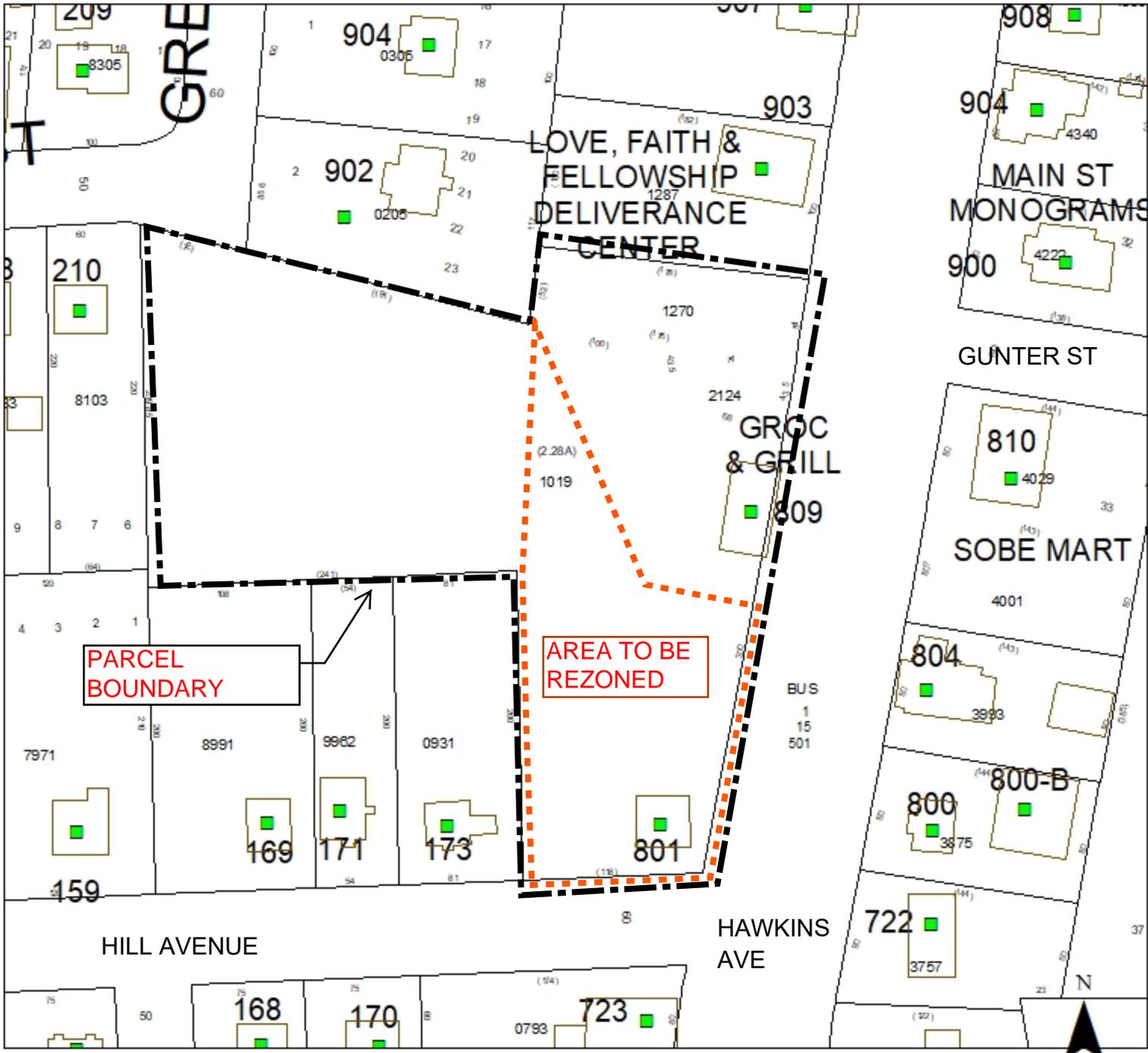
T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

Susan Patterson, City Attorney



REZONING APPLICATION 2020-0801

Request to rezone a 0.92 +/- acre portion of a 2.56 acre tract of land addressed as 801 and 809 Hawkins Avenue from R-12-MH and O&I to C-2.

This is a graphic illustration and not a legal document. All information is comprised of layers of data that may or may not align correctly.

ATTACHMENT B



I, MELVIN A. GRAHAM, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1539 PAGE 154 ,ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK N/A , PAGE N/A ; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1: 10,000 THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 16 DAY OF JULY , A.D. 2020

Melvin A. Graham
MELVIN A. GRAHAM, PLS. REGISTRATION NUMBER L-3471

NOTE:
THIS SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.

Melvin A. Graham
SURVEYOR

STATE OF NORTH CAROLINA
COUNTY OF LEE

I, _____ REVIEW OFFICER OF LEE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DATE _____ REVIEW OFFICER _____

NOTE:
THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THIS PLAT.

NOTES:
PROPERTY CONSIST OF ALL OF THE WAFDY H ABOU AWAD PROPERTY AS RECORDED IN D.B. 1539, PG. 154 LEE COUNTY REGISTRY.

ALL AREAS BY COORDINATE METHOD

PIN # 9643-64-0140-00

TOTAL AREA = 2.75 AC.

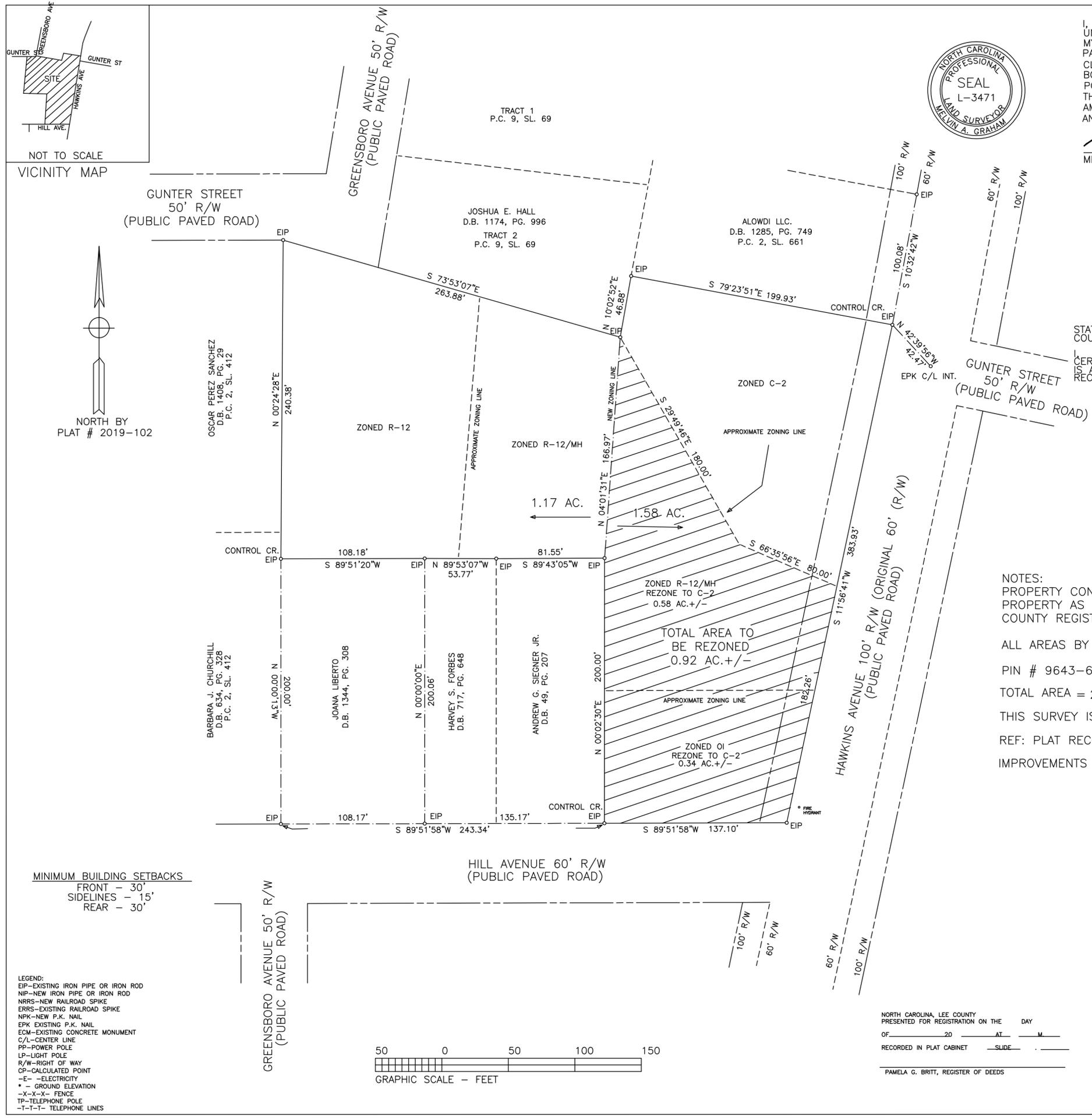
THIS SURVEY IS TO SHOW EXISTING ZONING

REF: PLAT RECORDED AT PLAT # 2019-102

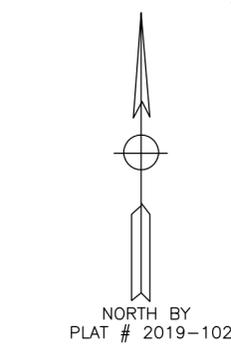
IMPROVEMENTS NOT LOCATED

REZONING PLAT FOR WAFDY H. ABOV AWAD

TOWNSHIP WEST SANFORD	COUNTY LEE	STATE NC
SURVEY FOR ZONING		DATE: 07/16/2020
(OWNER) WAFDY H. ABOV AWAD PROPERTY ADDRESS 809 HAWKINS AVE. SANFORD, NC 27330		SCALE: 1"=50
		PROJECT: 9619
MELVIN A. GRAHAM, PLS. 3679 NICHOLSON ROAD CAMERON, NC 28326 PHONE(919)499-6174		REVISION:

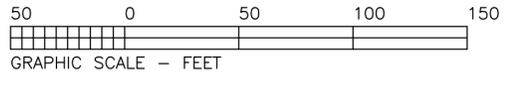


NOT TO SCALE
VICINITY MAP



MINIMUM BUILDING SETBACKS
FRONT - 30'
SIDELINES - 15'
REAR - 30'

LEGEND:
EIP-EXISTING IRON PIPE OR IRON ROD
NIP-NEW IRON PIPE OR IRON ROD
NRRS-NEW RAILROAD SPIKE
ERRS-EXISTING RAILROAD SPIKE
NPK-NEW P.K. NAIL
EPK-EXISTING P.K. NAIL
ECM-EXISTING CONCRETE MONUMENT
C/L-CENTER LINE
PP-POWER POLE
LP-LIGHT POLE
R/W-RIGHT OF WAY
CP-CALCULATED POINT
-E- ELECTRICITY
* - GROUND ELEVATION
-X-X- FENCE
TP-TELEPHONE POLE
-T-T- TELEPHONE LINES



NORTH CAROLINA, LEE COUNTY
PRESENTED FOR REGISTRATION ON THE _____ DAY
OF _____ 20 _____ AT _____ M _____
RECORDED IN PLAT CABINET _____ SLIDE _____
PAMELA G. BRITT, REGISTER OF DEEDS

**CITY OF SANFORD CITY COUNCIL
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT /REZONING
September 1, 2020**

APPLICATION# 2020-0802 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:

The Planning Board recommends that the City Council support the petition by Sanford Real Estate Properties, LLC to rezone a 1.24 ± acre tract of land addressed as 309 Hawkins Avenue from Residential Mixed (R-6) to Office & Institutional (O&I).

The Board determined that the request is consistent with the *Plan SanLee* Land Use Plan designation as “Neighborhood Transition Area” and it appears to be reasonable because there are public water, sewer, and streets available to accommodate future expansion or redevelopment at this location. Also, the improvement of the property in an area where there are a mix of land uses appears to be in the public interest. The vote was unanimous with general discussion regarding the location along Hawkins Avenue being close to downtown Sanford, that the existing shared driveway would be taken into consideration when/if the site is redesigned, and that new development would have to comply with the current UDO standards.

VOTE #1: APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Motion Option 1: *“I make a motion that that the proposed zoning map amendment IS consistent with the adopted long-range plan.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment IS NOT consistent with the adopted long-range plan because, even though the plan designation is Neighborhood Transition Area, the UDO has not been updated to include design standards for accomplishing the goal of preserving the residential character of the neighborhood while allowing a mix of residential and nonresidential uses.”*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Motion Option 1: *“I make a motion that the proposed zoning map amendment is reasonable and in the public interest because there are public water, sewer, and streets available to accommodate future expansion or redevelopment at this location and the improvement of the property in an area where there are a mix of land uses appears to be in the public interest. Therefore, I move to **APPROVE** the request*

to rezone a 1.24 ± acre tract of land addressed as 309 Hawkins Avenue from Residential Mixed (R-6) to Office & Institutional (O&I).”

Motion Option 2: *“I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because the UDO has not been updated to include design standards for accomplishing the goal of preserving the residential character of the neighborhood while allowing a mix of residential and nonresidential uses. Therefore, I move to **DENY** the request to rezone a 1.24 ± acre tract of land addressed as 309 Hawkins Avenue from Residential Mixed (R-6) to Office & Institutional (O&I).”*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

REZONING REPORT FROM AUGUST 18, 2020 AGENDA

Applicant & Owner: Sanford Real Estate Properties, LLC | Registered Agent: Michael C. Stone

Request: Rezone from Residential Mixed (R-6) to Office & Institutional (O&I)

Location: 309 Hawkins Avenue, Sanford, NC 27330

Township: West Sanford

Council Ward: Ward 5

Tax Parcel: 9643-61-4369-00

Adjacent Zoning:

North: Residential Mixed (R-6)

South: Residential Mixed (R-6)

East: Residential Mixed (R-6) and Multi-family (MF-12), opposite Hawkins Avenue

West: Residential Mixed (R-6) and Office & Institutional (O&I), opposite the railroad tracks and N. Moore Street

Introduction: Mr. Michael (Mike) Stone has submitted a request to rezone 1.24 ± acre tract of land developed with a single-family dwelling addressed as 309 Hawkins Avenue from Residential Mixed (R-6) to Office & Institutional (O&I) as the first step in either marketing or converting the property for a nonresidential use. Therefore, Mr. Stone has submitted a rezoning request for your consideration.

Site and Area Description: The subject property is located north of downtown Sanford on Hawkins Avenue, approximately mid-block between the E. Buffalo Street and E. Chisholm Street intersections. It is a long linear tract of land that runs the entire length of the block and abuts the railroad tracks which parallel N. Moore Street to the rear. Per GIS, it is rectangular in shape with 124ft along Hawkins Avenue, 453ft along the northern property line, 126.60ft along the railroad tracks, and 418.7ft to the point of beginning along Hawkins Avenue.

Surrounding Land Uses:

- North: Adjoining tracts of land within this block are developed with single-family dwellings on lots zoned Residential Mixed (R-6).

- South: Adjoining tracts of land within this block are developed with single-family dwellings on lots zoned Residential Mixed (R-6).
- East: Opposite Hawkins Avenue is the Family Dentistry, Dr. Thomas Hincks and Dr. Tripp Paderick, at 304 Hawkins Avenue zoned Multi-family (MF-12), a vacant wooded lot zoned Multi-family (MF-12), a residential duplex at 314 and 314-A Hawkins Avenue zoned Residential Mixed (R-6), and a single-family home at 318 Hawkins Avenue) zoned Residential Mixed (R-6).
- West: Opposite the railroad tracks and N. Moore Street, is RC Accounting Group at 301 N. Moore Street zoned Office & Institutional (O&I), a vacant lot formerly developed with a residential duplex that burned at 315 N. Moore Street zoned Residential Mixed (R-6), and a multi-use building and parking lot for St. Thomas Episcopal Church Residential Mixed (R-6).

Zoning District Information

Existing Zoning: The existing zoning of Residential Mixed (R-6) 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. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of seven (7) dwelling units per acre. R-6 may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers.

The dimensional requirements include a minimum lot width of 60 feet, a minimum lot depth of 100 feet, a minimum lot size of 6,000 square feet, with principal building setbacks of 20 feet from the front property line, 20 feet from the rear property line and 8 feet from the side property lines with a maximum building height of 40 feet. There is no maximum impervious surface ratio for R-6.

Examples of uses permitted by right within the R-6 zoning district include single-family detached homes, duplexes (two-family dwelling), parks & playgrounds, religious complexes/churches with less than 350 seats, and schools. Uses permitted with development regulations include multi-family dwellings (three or more units), single-family attached dwellings (townhomes), bed & breakfast inns, family care homes, and home child care facilities. Uses permitted upon issuance of a Special Use Permit include dormitories (for college students, commercial schools, or hospital staff), child & youth services, adult care homes/group care facilities, civic/social/fraternal organizations, libraries, and religious complexes/churches with more than 350 seats. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Proposed Zoning: The proposed zoning of Office & Institutional (O&I) district is established to provide for agencies and offices rendering specialized services and traditional institutional functions (both public and private) including, but not limited to, governmental facilities, cultural and recreational facilities, educational facilities and charitable institutions.

The dimensional requirements include a minimum lot width of 50 feet, a minimum lot depth of 100 feet, a minimum lot size of 6,000 square feet, with principal building setbacks of 10 feet from the front property line, with the side and rear setbacks being determined by the minimum required landscape buffer yard width. A new O&I use adjoining an existing R-6 would require a Type B landscape buffer

yard, which is 15 feet in width. The maximum building height is 60 feet and the maximum allowed impervious surface is 70%

Examples of uses permitted by right within the O&I zoning district include dormitories (for college students, commercial schools, or hospital staff), group homes/residential care facilities (Levels I and II), child & youth services, adult care homes/group care facilities, administrative services (travel agency, investigative services, and locksmiths), antique shops, florists, general office buildings, real estate rental/sales, restaurants (no drive-in or drive-through facilities), funeral homes, religious complexes/churches of any size, schools, and parking lots. Uses permitted with development regulations include bed & breakfast inns, hotel/motel/tourist court, day care facilities, and cemeteries. Uses permitted upon issuance of a Special Use Permit include duplexes (two-family dwellings), single-family detached dwellings, group homes/residential care facilities (Level III and IV), and sports stadiums or arenas. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Overlay Districts

Long Range Plan: The *Plan SanLee* land use plan identifies the future land use place type for this tract of land as “Neighborhood Transition Area,” which has the following characteristics:

- Legacy residential neighborhoods that may be transitioning to small offices and service businesses
- Positional along primary transportation routes leading downtown
- Preserving residential character, buffer between downtown and urban neighborhoods
- Local example – Woodland Avenue in Sanford

Land use designations include Residential (detached & attached single-family dwelling and multi-family dwellings), Civic (churches, schools, civic organizations, government services, parks), Employment (professional offices and business services). Forms of transportation include (from low to high priority mode) public transit, vehicular connectivity, on-street bike lanes, and sidewalks. Context includes Development Density of single-family up to 10 dwelling units per acre, multi-family from 10-16 dwelling units per acre, small commercial lots, shallow building setbacks, with a 45ft height limit, Utility Infrastructure with public water and public wastewater, and a Preferred Character of a 2-3 lane urban street network, 6-800 foot block lengths, curb & gutter with sidewalks, street trees, and on-street & rear parking. The Current Districts include Neighborhood Commercial (NC) and Office & Institutional (O&I) as Primary with Residential Mixed (R-12, R-10, R-6) and Residential Single-family (R-12) as Secondary. The Proposed Districts are Residential Transition as Primary and Urban Residential as Secondary.

Local Overlay District Notes: Per GIS, the parcels are not located within an established floodplain or watershed. The parcels are also not located within a designated wetland area. This parcel is included within the Hawkins Avenue Historic District, which is a state historic district and not a local historic district; therefore, local historic district guidelines to not comply to the renovation or demolition of the existing structure(s) on site.

Sanford, Lee County and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land-disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment

Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at <http://deq.nc.gov>.

Utilities: The subject property appears to have access to public water via a six-inch public water main that runs parallel to Hawkins Avenue. The subject property appears to have access to public sanitary sewer via an existing 8-inch sewer line that also runs parallel to Hawkins Avenue. If the rezoning is approved, all new development or redevelopment that proposes to connect to public water and/or public sewer must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

Transportation: The subject property has 124ft of frontage on Hawkins Avenue, a NCDOT maintained public roadway with a 70ft right-of-way width in the area of the subject property. The existing residential driveway is off of Hawkins Avenue near the northern property line.

Development Standards: If rezoned, all of the uses permitted in the Office & Institutional (O&I) zoning district would be allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO. The conversion of the existing structure(s) and/or site must comply with the North Carolina State Building Code, the State Fire Code, ADA compliance, and any other application codes and regulations. Simply rezoning the property does not allow someone to occupy the building for a proposed use without compliance with all other applicable codes and regulations. Also, any existing site conditions, such as a shared driveway, should be taken into consideration when/if the site is redesigned.

Staff Information Regarding a Recommendation from the Planning Board: The recommendation from the Planning Board should include language describing whether the action is consistent with an adopted comprehensive plan (*Plan SanLee*) and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.

Staff Recommendation: Staff acknowledges that the request appears to comply with the long range plan designation of Neighborhood Transition Area as the future land use place type for this tract of land. However, the UDO has not been updated to include design standards for accomplishing the goal of preserving the residential character of the neighborhood while allowing a mix of residential and nonresidential uses. Therefore, careful consideration should be given to what future nonresidential/commercial development could look like at this location when considering this request.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA**

WHEREAS, a request to amend the Official Zoning Map has been received from Sanford Real Estate Properties, LLC to rezone one 1.24 ± acre tract of land developed with a house addressed as 309 Hawkins Avenue, and identified as a portion of Tax Parcel 9643-61-4369-00 as depicted on Lee County Tax Map 9643.19, from Residential Mixed (R-6) to Office & Institutional (O&I), and;

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on August 18, 2020 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone one 1.24 ± acre tract of land developed with a house addressed as 309 Hawkins Avenue, and identified as a portion of Tax Parcel 9643-61-4369-00 as depicted on Lee County Tax Map 9643.19, from Residential Mixed (R-6) to Office & Institutional (O&I). A vicinity map is included as Attachment A.

In making this decision, the City Council of the City of Sanford hereby finds that the request is consistent with the long range plan and appears to be reasonable because there are public water, sewer, and streets available to accommodate future expansion or redevelopment at this location. Also, the improvement of the property in an area where there are a mix of land uses appears to be in the public interest.

ADOPTED this the 1st day of September 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

Susan Patterson, City Attorney

**CITY OF SANFORD CITY COUNCIL
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT /REZONING
September 1, 2020**

APPLICATION# 2020-0803 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:

The Planning Board recommends that the City Council support the petition by Outreach Mission, Inc. to rezone a 0.74 ± acre lot, addressed as 507 S. Third Street, and located in the southeastern corner of Oakwood Avenue & S. Third Street, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District, a site plan specific conditional zoning district that would allow the redevelopment of the site as a homeless shelter/social assistance facility. This recommendation included the condition that a six-foot tall privacy fence be installed along the rear and side property lines, which the applicant (Mr. Hamer Carter of Outreach Mission, Inc.) verbally agreed to at the meeting.

Even though the request is not consistent with the *Plan SanLee* Land Use Plan designation as “Urban Neighborhood”, it appears to be a compromise to allow a homeless shelter/social assistance facility that is designed to have a residential appearance in an area that would allow civic uses, such as churches, schools, civic organizations, government services, and parks, along with residential uses. It also appears to be reasonable because the site is located on a corner lot fronting a four lane public street and the building design incorporates residential elements (a front porch, shutters on the front & side windows, etc.) so that it fits in with a residential neighborhood, as opposed to being designed to look institutional or commercial, the parking is at the rear of the building, and landscaping will be required per the UDO. Also, it appears to be in the public interest to support the development of a homeless shelter/social assistance facility that is specifically designed for this use. The vote was unanimous and there was general discussion about the need for the proposed use and that the site/building appear to have been designed to fit in with the residential character of the area as much as possible.

VOTE #1: APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Motion Option 1: *“I make a motion that that the proposed zoning map amendment **IS** consistent with the adopted long-range plan.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment **IS NOT** consistent with the adopted long-range plan because it is not in keeping with the long range plan designation of “Urban Neighborhood”.*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Motion Option 1: *“I make a motion that the proposed zoning map amendment is reasonable and in the public interest because it appears to be a compromise to allow a homeless shelter/social assistance facility that is designed to have a residential appearance in an area that would allow civic uses, such as churches, schools, civic organizations, government services, and parks, along with residential uses. Also, it appears to be in the public interest to support the development of a homeless shelter/social assistance facility that is specifically designed for this use. Therefore, I move to **APPROVE** the request to rezone a 0.74 ± of an acre lot addressed as 507 S. Third Street, located in the southeastern corner of Oakwood Avenue and S. Third Street, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because it is not consistent with the long range plan, which was adopted to serve as a guide for future growth. Therefore, I move to **DENY** the request to rezone a 0.74 ± of an acre lot addressed as 507 S. Third Street, located in the southeastern corner of Oakwood Avenue and S. Third Street, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District.”*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

REZONING REPORT FROM AUGUST 18, 2020 AGENDA

Applicant & Owner: Outreach Mission, Inc. | President: L. Hamer Carter

Request: Rezone from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District

Location: 507 S. Third Street, Sanford, NC 27330

Township: East Sanford

Council Ward: Ward 5

Tax Parcel: 9642-98-3686-00

Adjacent Zoning:

North: Residential Mixed (R-10), opposite Oakwood Avenue

South: Light Industrial (LI)

East: Residential Mixed (R-10)

West: Residential Mixed (R-6) and Light Industrial (LI), opposite S. Third Street

Introduction: Outreach Mission has submitted a request to rezone 0.74 ± acre tract of land developed with an older home addressed as 507 S. Third Street that is used as homeless shelter from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District as the first step in redeveloping the property with a newly constructed a homeless shelter/social assistance facility. Therefore, they have submitted a rezoning request for your consideration.

Site and Area Description: The subject property is located east of downtown Sanford at the intersection of S. Third Street and Oakwood Avenue. It is a corner lot with 200ft of frontage on S. Third Street and 160ft of frontage on Oakwood Avenue.

Surrounding Land Uses:

- North: Opposite Oakwood Avenue are single-family dwellings and a church (True Gospel United Church of God) on lots zoned Residential Mixed (R-10).
- South: Adjoining tracts of land within this block are developed with single-family dwellings on lots zoned Residential Mixed (R-10).
- East: Adjoining tracts of land within this block are developed with single-family dwellings on lots zoned Residential Mixed (R-10).
- West: Opposite S. Third Street, are two single-family dwellings on lots zoned Residential Mixed (R-6) and a contractors office with outdoor storage (Install, Inc.) zoned Light Industrial (LI).

Zoning District Information

Existing Zoning: The existing zoning of Residential Mixed (R-10) district is established to provide areas for a mix of residential styles with a maximum of up to four dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. This district provides a minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. The dimensional requirements include a minimum lot width of 70 feet, a minimum lot depth of 100 feet, a minimum lot size of 10,000 square feet, with principal building setbacks of 25 feet from the front property line, 20 feet from the rear property line and 10 feet from the side property lines with a maximum building height of 40 feet. There is no maximum impervious surface ratio for R-10. Examples of uses permitted by right within the R-10 zoning district include single-family detached homes, duplexes (two-family dwelling), parks & playgrounds, religious complexes/churches with less than 350 seats, and schools. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Proposed Zoning: The proposed zoning is the Outreach Mission Conditional Zoning District. A conditional zoning district allows a property owner to place additional conditions upon an existing, equivalent conventional, general use zoning district. A Conditional Zoning District Type 1 is a stand-alone district with its own unique conditions. This allows the property owner to 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.

Only the property owner(s) of a proposed Conditional Zoning District Type 1 shall be eligible to apply for rezoning to a Conditional Zoning District. The owner shall specify the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The conditions shall include all of the following (as applicable):

- The location on the property of the proposed use(s);
- The number of dwelling units;
- The location and extent of supporting facilities such as parking lots, driveways, and access streets;
- The location and extent of buffer areas and other special purpose areas;

- The timing of development;
- The location and extent of rights-of-way and other areas to be dedicated for public purposes;
- And any other such conditions the applicant may wish to propose.

The application shall include a site plan/subdivision plan and detailed narrative text that specifies the conditions that will govern the development and use of the property. If approved, this information is legally binding on the land; therefore, the site has to be developed as per the approved plans and conditions even if a property transfer were to take place. Any item not specifically addressed in the rezoning process must comply with the UDO standards. As reminder, the conditional zoning process is a negotiated zoning process and, as such, the City 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, the conceptual plans and conditions that are approved in conjunction with this project must comply with the technical specifications and requirements of all regulatory agencies.

Outreach Mission Conditional Zoning District

The proposed minimum building setbacks for the structure are as follows:

- Front: 25 feet, as measured from the right-of-way line of the public streets
The building is 43ft from the right-of-way line of S. Third Street and 33ft from the right-of-way line of Oakwood Avenue. This is a corner lot with two front yards.
- Rear: 15 feet, landscape buffer yard to be planted
The building is 65ft from the rear property line.
- Side: 15 feet, landscape buffer yard to be planted
The building is 46ft from the rear property line.

The lot size is 0.74 of an acre or 32,234sf.

Specific conditions for this subdivision included the following:

- The land use will be a combination men/women/family facility that will provide safe shelter, food, and clothing to homeless men, women, and children.
- The new facility will replace the existing single-family home on site that is currently being used as a homeless shelter.
- The goal is for the new facility to initially house 60 people and then to eventually increase capacity to 90 people, if and when the need arises.

The conceptual architectural plan, floorplan, and site plan illustrate the building and site design with the lot layout, street configuration, and the open space areas. Outreach Mission would like to complete this project by the end of 2022, but this is not proposed as a condition, since they cannot commit to this timeline.

Overlay Districts

Long Range Plan: The *Plan SanLee* Land Use Plan identifies the future land use place type for this tract of land as “Urban Neighborhood”, which has the following characteristics:

- Higher density residential neighborhood in the city core
- Walkable to adjacent urban commercial districts
- Grid street networks are the typical development form
- A local example is North 4th, 5th, and 6th Streets in Sanford.

Land use designations include open space (undeveloped open space), civic (churches, schools, civic organizations, government services, and parks) and residential (detached & attached single-family dwellings, multi-family dwellings, mother-in-law suites). Transportation, from low to high priority mode is public transit, vehicular connectivity, on-street bike lanes & off-street trail system and sidewalks/off-street trails/transit & commercial area connections. The development density is single-family up to 10 dwelling units per acre, multi-family with 10-16 units per acre with shallow building setbacks and a 45ft height limit. Utility infrastructure is public water and public waster water. The preferred character is an urban grid street network with 400ft block lengths, curb/gutter & sidewalks, with street trees and on-street parking. The current zoning districts area R-12, R-10, R-6, MF-12 (primary), and R-12SF (secondary). The proposed zoning districts are Urban Residential, Multi-family Residential, and Medium Density Residential.

Local Overlay District Notes: Per GIS, the parcels are not located within an established floodplain or watershed. The parcels are also not located within a designated wetland area or a local historic district. Sanford, Lee County and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land-disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at <http://deq.nc.gov>.

Utilities: The subject property appears to have access to public water via an 8-inch public water main line that runs parallel to S. Third Street and a 16-inch water main line that runs parallel to Oakwood Avenue. The subject property appears to have access to public sanitary sewer via an existing 8-inch sewer line that runs parallel to S. Third Street and an existing 8-inch sewer line that runs parallel to S. Oakwood Avenue. If the rezoning is approved, all new development or redevelopment that proposes to connect to public water and/or public sewer must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations.

Transportation: The subject property has 200ft of frontage on S. Third Street, a NCDOT maintained public roadway with a 60ft right-of-way and 160ft of frontage on Oakwood Avenue, a City maintained public roadway with an 80ft right-of-way. The existing residential driveway is off of Hawkins Avenue near the northern property line. The proposed driveway is off of Oakwood Avenue, away from the intersection.

Development Standards: If rezoned, all of the uses permitted in the Outreach Mission Conditional Zoning District would be allowed and any future redevelopment of the subject property will be required to correspond with the approved plans or, if the item is not specifically addressed on another manner, meet the current development standards of the UDO. All site (re)development site must comply with the North Carolina State Building Code, the State Fire Code, ADA compliance, and any other application codes and regulations. Simply rezoning the property does not allow someone to occupy the site for a proposed use without compliance with all other applicable codes and regulations. Also, any existing site conditions, such as the removal of the existing structure, should be taken into consideration when/if the site is redesigned.

Public Information Meeting: A public information meeting is scheduled to be held on Thursday, August 13, 2020 to allow the applicant and staff to share information about this request and associated

project with the adjoining property owners and other interested parties. This agenda was created prior this date; therefore, information regarding topics of discussion and attendance will be provided during the staff presentation of this report at the public hearing.

**No members of the public attended the Community Meeting; therefore, no discussion was held. There were four applicant/project reps and three staff members in attendance.*

Staff Information Regarding a Recommendation from the Planning Board: The recommendation from the Planning Board should include language describing whether the action is consistent with an adopted comprehensive plan (*Plan SanLee*) and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.

Staff Recommendation: The building design submitted for this condition zoning request appears to incorporate residential elements (a front porch, shutters on the front & side windows, etc.) so that it fits in with a residential neighborhood as opposed to being designed to look institutional or commercial. Also, the parking is designed to be at the rear of the building so that it is screened from view from S. Third Street. Street trees and a landscaping buffer along the side and rear property lines will be required per the UDO. Overall, it appears to be a compromise to allow a nonresidential use to be incorporated into a residential area, fronting on a four-lane highway (S. Third Street). The long range plan designation of "Urban Neighborhood" includes civic uses, such as churches, schools, civic organizations, government services, and parks.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA**

WHEREAS, a request to amend the Official Zoning Map has been received from Outreach Mission, Inc to rezone a 0.74 ± lot addressed as 507 S. Third Street, located in the southeastern corner of Oakwood Avenue and S. Third Street, and identified as Tax Parcel 9642-98-3686-00 as depicted on Lee County Tax Map 9642.08, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District, a site plan specific conditional zoning district that would allow the redevelopment of the site as a homeless shelter/social assistance facility, and;

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on August 18, 2020 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone a 0.74 ± lot addressed as 507 S. Third Street, located in the southeastern corner of Oakwood Avenue and S. Third Street, and identified as Tax Parcel 9642-98-3686-00 as depicted on Lee County Tax Map 9642.08, from Residential Mixed (R-10) to the Outreach Mission Conditional Zoning District, a site plan specific conditional zoning district that would allow the redevelopment of the site as a homeless shelter/social assistance facility. A map of the subject property and conceptual plans (building elevation, floorplan, and site plan) are included as Attachments A, B, C, and D.

In making this decision, the City Council of the City of Sanford hereby finds that the proposed zoning map amendment is reasonable and in the public interest because it appears to be a compromise to allow a homeless shelter/social assistance facility that is designed to have a residential appearance in an area that would allow civic uses, such as churches, schools, civic organizations, government services, and parks, along with residential uses. Also, it appears to be in the public interest to support the development of a homeless shelter/social assistance facility that is specifically designed for this use.

ADOPTED this the 1st day of September 2020.

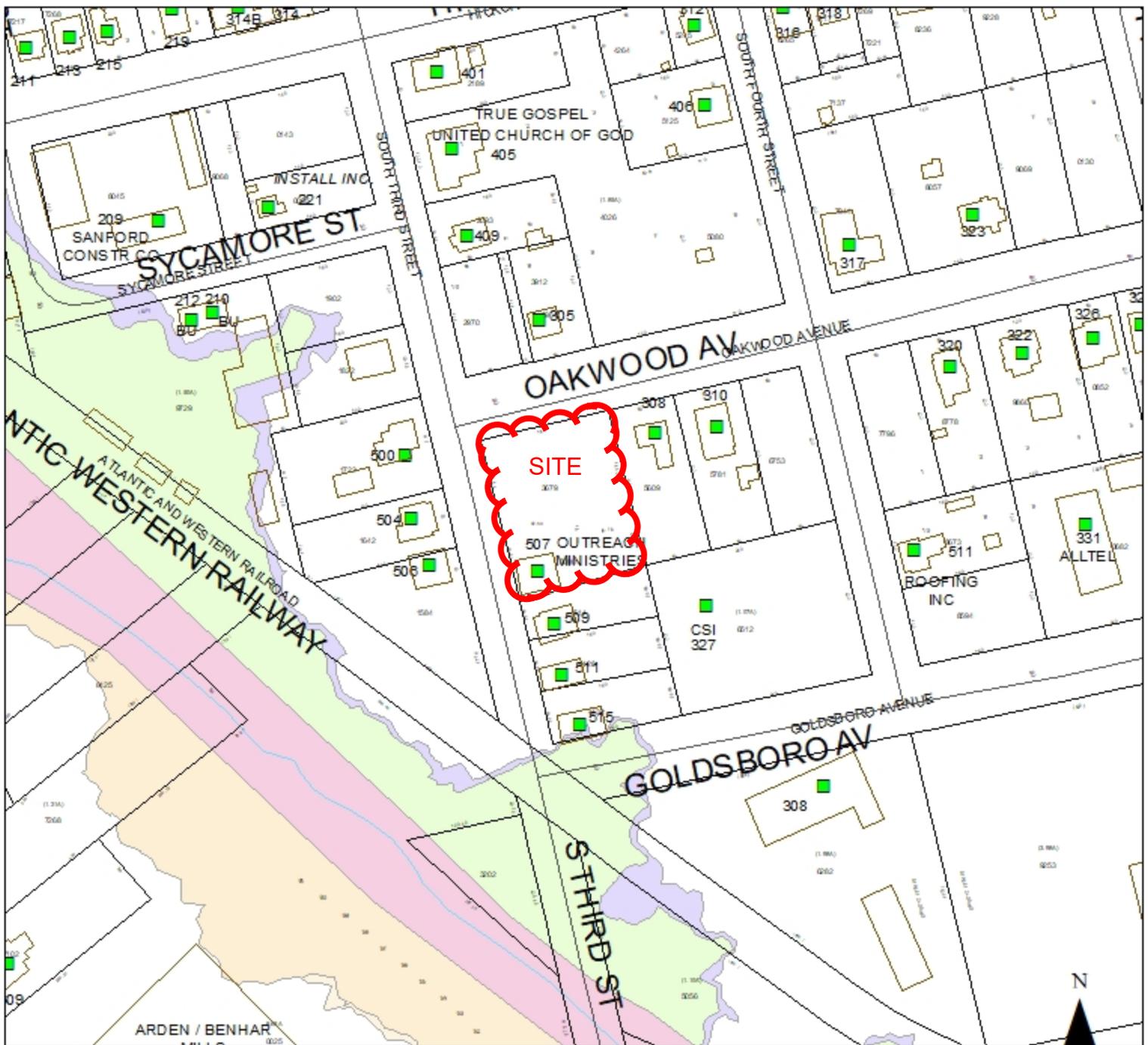
T. Chet Mann, Mayor

ATTEST:

APPROVED AS TO FORM:

Bonnie Davis, City Clerk

Susan Patterson, City Attorney



REZONING APPLICATION:

Application by Outreach Mission, Inc.
 to rezone one tract of land in the southeastern corner
 of S. Third Street and Oakwood Avenue,
 addressed as 304 Oakwood Avenue and 507 S. Third Street,
 also identified as Lee County tax parcel 9642-98-3686-00
 from Residential-Mixed (R-10) and Light Industrial (LI)
 to the Outreach Mission Conditional Zoning District
 to allow the redevelopment of the site
 as a homeless shelter & social assistance facility for men, women, and children.

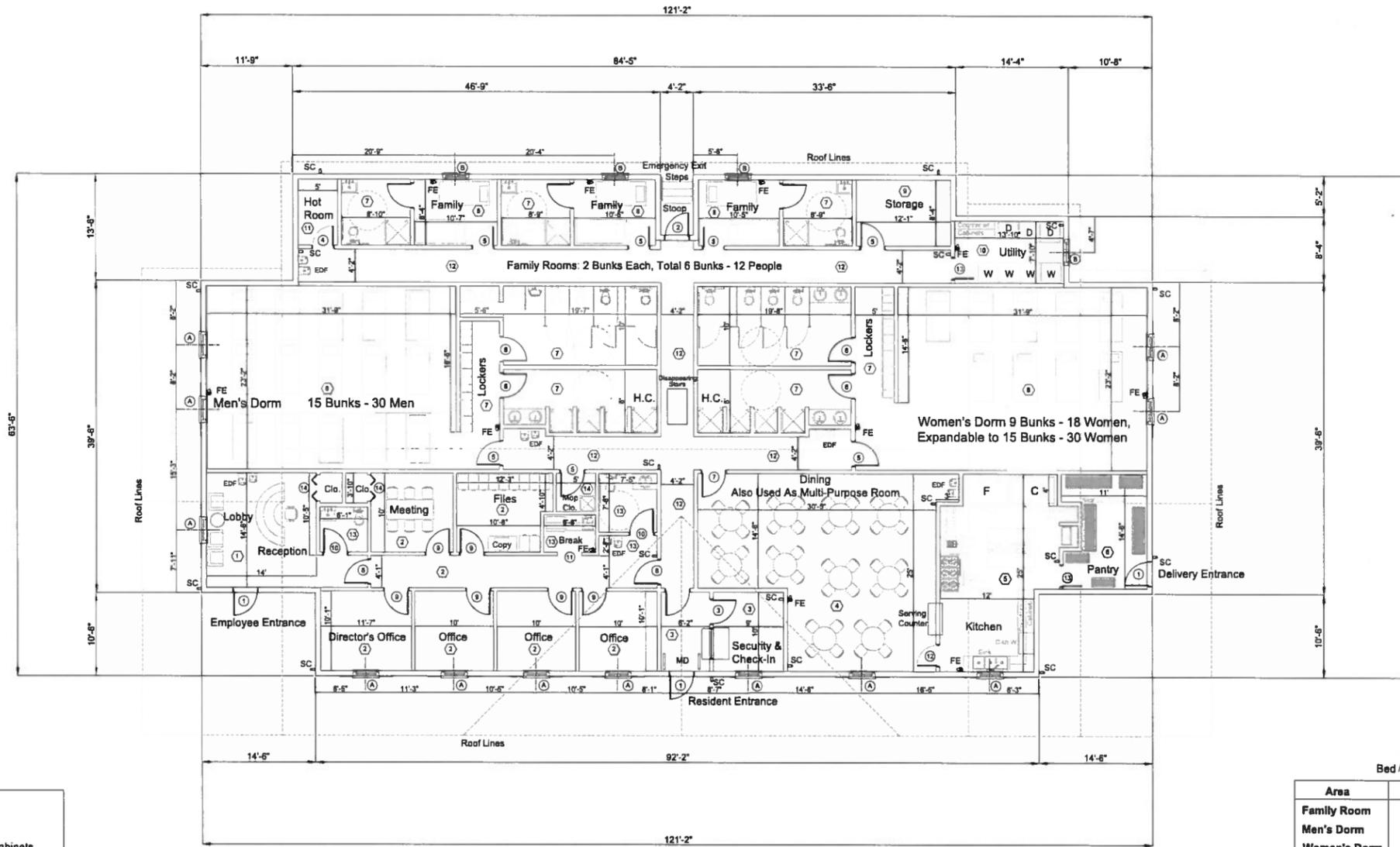
This is a graphic illustration and not a legal document.

Room Finish Schedule					
Room #	Wall	Floor	Base	Ceiling	Finish Key
①	1	5	2	2	Wall
②	1	3	1	2	1 - 1/2" Drywall, Painted
③	1	3	1	2	2 - 5/8" Drywall, Painted
④	2	2	2	1	3 - 5/8" Fire Rated Drywall, Painted
⑤	1	2	2	1	4 - Reinforced Plastic panel over Drywall
⑥	3	1	4	1	Floor
⑦	1	1	4	1	1 - Quarry Tile
⑧	2	1	4	1	2 - Vinyl
⑨	2	1	4	1	3 - Carpet
⑩	2	1	4	1	4 - Porcelain Tile
⑪	1	2	2	1	5 - Wood Laminate
⑫	3	2	2	1	Base
⑬	3	2	2	1	1 - Vinyl Base
⑭	1	2	1	1	2 - Wood Base
⑮	1	4	3	2	3 - Porcelain
⑯	1	4	3	2	4 - Quarry Tile
⑰	1	4	3	2	Ceiling
⑱	4	1	4	1	1 - Drywall, Painted, Ht = 9'-0"
					2 - 2' x 2' Grid, Tegular Edge

Door Schedule	
Door #	Description
1	- 3-0 x 6-8 Hollow Metal Decorative w/ Mag Lock
2	- 3-0 x 6-8 Hollow Metal w/ Lite Kit & Mag Lock
3	- 3-0 x 6-8 Hollow Metal w/ Lite Kit & Mag Lock
4	- 2-6 x 6-8 Fire Rated Metal
5	- 3-0 x 6-8 Hollow Metal, Security Rated
6	- 3-0 x 6-8 Hollow Wood, Self Closing
7	- 3-0 x 6-8 Hollow Metal, Security Rated
8	- 3-0 x 6-8 Hollow Metal Security Rated
9	- 3-0 x 6-8 Hollow Core Molded
10	- 3-0 x 6-8 Hollow Core Molded
11	- 3-0 x 6-8 Cased Opening
12	- 2-6 x 6-8 Hollow Metal, Security Rated
13	- 2-6 x 6-8 Hollow Core Molded
14	- Moulded Bi-fold w 10" Panels

Window Schedule	
Window	Description
A	- Nominal 2-8 x 4-0 Wood w/ Shutters
B	- Nominal 2-8 x 4-0 Wood, No Shutters
C	- Not Applicable
D	- Not Applicable

Plan North
1/8" = 1" - 0"



Legend	
SC	- Security Camera
FE	- Fire Extinguisher, semi-recessed cabinets
MD	- Metal Detector
EDF	- Electric Drinking Fountain

Bed / Resident Count		
Area	# Bunks	# People
Family Room	6	12
Men's Dorm	15	30
Women's Dorm	9	18
Total	30	60

Building = 6,980 Sq. Ft.

Notes:
- All construction shall comply with all applicable state and local codes and ordinances.
- This project shall comply with all applicable ADA Standards latest edition (2019)

Fresh Fruit, Inc.
Design & Drafting Services
115 Caranton Road - Sanford, NC
Ph. 919-774-7092
darrellballard49@gmail.com

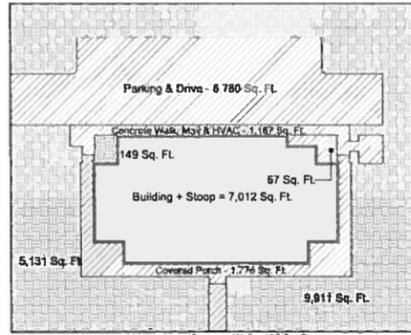
Outreach Mission, Inc.
Women, Men & Family Shelter
Sanford, North Carolina

Floor Plan
0 8 16
Scale In Feet

Sheet No.
A - 3

Date:
August, 2019

ATTACHMENT C

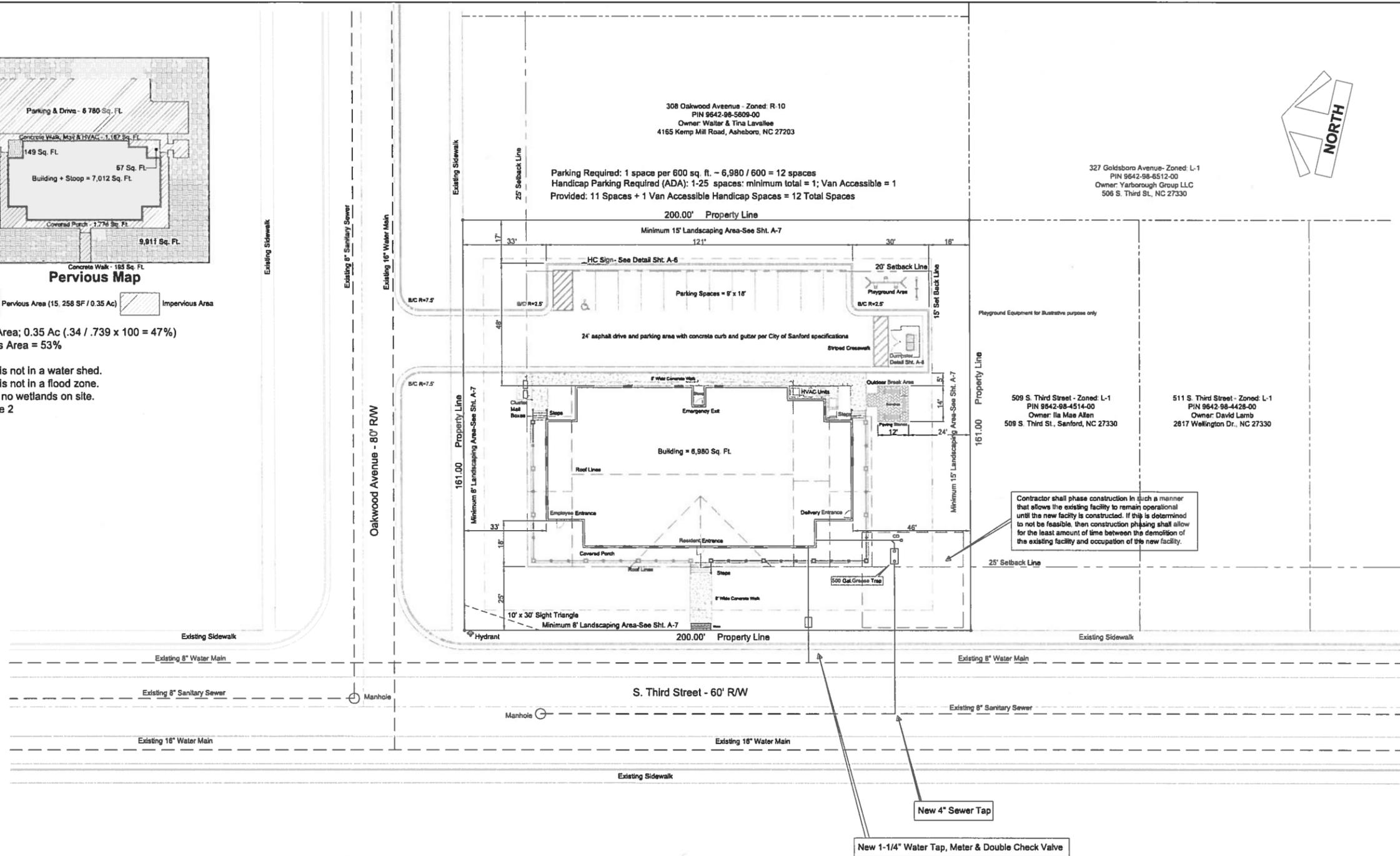


Pervious Map



Pervious Area; 0.35 Ac (.34 / .739 x 100 = 47%)
 Impervious Area = 53%

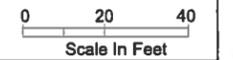
This area is not in a water shed.
 This area is not in a flood zone.
 There are no wetlands on site.
 Soils: Type 2



Fresh Fruit, Inc.
 Design & Drafting Services
 115 Caribton Road - Sanford, NC
 Ph. 919-774-7092
 darrellballard49@gmail.com

Outreach Mission, Inc.
Women, Men & Family Shelter
 Sanford, North Carolina

Site Plan



Sheet No.

A - 5

Date:
 August, 2019

Summary
 Owner: Outreach Mission, Inc.
 P.O. ox 476 Sanford, NC 27331
 Property:
 507 S. Third St., Sanford, NC
 0.739 Acres, Zoned: Conditional Use
 Jurisdiction: City of Sanford, Inside City Limits
 Building Size: 6,980 Sq. Ft.

Misc:
 Fire District: Central Fire Station
 Council Ward: Ward 5
 Commissioner's District: District 1

Jurisdictional Contacts:
 Owner: Outreach Mission, Inc. : 919-776-8474 or 919-774-7112
 Project Coordinator: Laura Spivy, 919-777-1118
 Sanford / Lee County Planning: Alexandria Rye, 919-718-4685, ext. 5399
 Sanford / Lee County Inspections: Chris Riggins, 919-718-4654, ext. 5361
 Lee County Fire Marshall: Shane Seagroves or Bill Rogers, 919-718-4670
 Lee County Board of Education: Reid Cagle, 919-776-3112
 City of Sanford Police Dept.: Jamie Thomas, 919-777-1044
 City of Sanford Engineering: Michael Lamping, 919-777-1121
 City of Sanford Utilities Coordinator: Kay Bunnell, 919-777-1243
 NCDOT: Michael Ricketts, 910-944-7621
 NCDEQ: 919-707-9920

NOTES:

- Call NC One Call @ 811 before digging or trenching
- This site shall have less than 1 acre of disturbed soil.
 An Erosion & Sedimentation Control Plan is not required.
- No outdoor storage is proposed for this project .
- Project shall comply with all applicable provisions of the UDO.
- Project shall comply with all applicable provisions of the latest ADA Standards, (2019)

This map does not represent an actual survey.

**CITY OF SANFORD CITY COUNCIL
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT /REZONING
September 1, 2020**

APPLICATION# 2020-0804 TO AMEND THE SANFORD ZONING MAP

Please note that the total acreage has decreased by 9.6 acres to allow a property owner to retain more acreage around an existing house at 2123 Courtland Drive.

RECOMMENDATION FROM PLANNING BOARD:

The Planning Board recommends that the City Council support the petition by Raccoon Path Holdings, LLC to rezone to rezone ten tracts of land totaling 122± acres. There was general discussion regarding the fact that subdivision plans have already submitted plans to the TRC for review, which represented an investment of time & money on the part of the applicant & developer. The photos of the proposed homes distributed at the meeting were appealing. The boards agreed that they should take the applicant at his word regarding the proposed designs exceeding the current UDO subdivision design standards and unanimously voted to approve the rezoning request. Specific information for each area is provided below.

Subject property north of Tramway Road/US Hwy 78

Sixty-four acres are located between W. Courtland Drive & Tramway Road and are requested to be rezoned to from Light Industrial (LI) and Residential Single-family (R-20) to Residential Mixed (R-6). Regarding the portion of the subject property that currently has a residential zoning designation, the Planning Board determined that the request complied with the *Plan SanLee* designation of “Urban Neighborhood” and that the request was reasonable because it complied with the long range plan and is in the City’s ETJ.

Regarding the portion of the subject property that currently has a nonresidential zoning designation, even though the *Plan SanLee* designation for this area is “Maker District”, the Planning Board determined that this is a relatively isolated area of nonresidential development that could be incorporated into a large scale residential development on adjoining property if the design was created in such a way that the nonresidential land uses buffer the residential land uses from the busy roadways in this area and would decrease the area for the “Maker District”, but not eliminate it.

Subject property south of Tramway Road/US Hwy 78

Fifty-eight acres are located between Lemon Springs Road & Tramway Road and are requested to be rezoned from Light Industrial (LI) and Residential Single-family (R-12SF) to Residential Mixed (R-10). The Planning Board determined that the request appears to comply with the long range plan designation of “Suburban Neighborhood” and that the request was reasonable because it complies with the long range plan with most of the land being within the corporate City limits and the balance in the City’s ETJ.

VOTE #1: APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Motion Option 1: *“I make a motion that that, overall, the proposed zoning map amendment **IS** consistent with the adopted long-range plan.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment **IS NOT** consistent with the adopted long-range plan because it includes an area that is designated as the “Maker District”, which does not allow for residential zoning/development.”*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Motion Option 1: *“I make a motion that the proposed zoning map amendment is reasonable and in the public interest because the majority of the subject property is designated for residential development of a comparable density per the adopted long range plan and is located either in the City’s corporate limits or ETJ. Therefore, I move to **APPROVE** the request to rezone 64 acres located between W. Courtland Drive & Tramway Road from Light Industrial (LI) and Residential Single-family (R-20) to Residential Mixed (R-6) and to rezone 58 acres located between Lemon Springs Road & Tramway Road from Light Industrial (LI) and Residential Single-family (R-12SF) to Residential Mixed (R-10) for a total of 122 ± acres located both north and south of Tramway Road.”*

Motion Option 2: *“I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because the UDO has not been updated to include design standards for residential subdivisions that would require sidewalks on both sides of the streets, open space, and amenity areas to ensure a higher quality subdivision than what has been developed in the past. Also, plans reviewed by the TRC may be revised and approved, as long as they comply with the UDO and all other applicable policies and codes. Therefore, I move to **DENY** the request to rezone 122 ± acres located both north and south of Tramway Road.”*

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

REZONING REPORT FROM AUGUST 18, 2020 AGENDA

Applicant: Raccoon Path Holdings, LLC | Registered Agent: Bobby A. Branch
Owners: Tramway 20, LLC, David S. Martinez & Ana S. Zelada, Charles J. Rice, and Capie I, LLC
Request: Rezone from Light Industrial (LI), Residential Single-family (R-20) and Residential single-family (R-12) to Residential Mixed (R-6) on the north side of Tramway Road and to Residential Mixed (R-10) on the south side of Tramway Road

Location: North and south of Tramway Road/NC Hwy 78 (see specific information in report)
Township: Jonesboro
Council Ward: The area within the corporate City limits is in Ward 5.
Tax Parcel: Ten parcels total, reference specific information provided in the report.

Adjacent Zoning:

Subject property north of Tramway Road/US Hwy 78

North: Residential-Mixed (R-12)

South: Light Industrial (LI) and Residential Single-family (R-20)

East: Light Industrial (LI), opposite Tramway Road – proposed to be rezoned

West: Residential Single-family (R-20), opposite W. Courtland Drive

Subject property south of Tramway Road/US Hwy 78

North: Light Industrial (LI), opposite Tramway Road – proposed to be rezoned

South: Residential Single-family (R-20)

East: Residential Single-family (R-20) and Light Industrial (LI)

West: Residential Single-family (R-20)

Introduction: Raccoon Path Holdings has submitted a request to rezone ten tracts of land totaling 132± acres as the first step in redeveloping the site in a residential manner. Preliminary plats for residential single-family home subdivisions have been submitted for review by the Sanford/Lee County Technical Review Committee (TRC) in anticipation of moving forward with the projects associated with this rezoning request; however, the plans are not included with the rezoning request or in this agenda since this is not a site plan/subdivision design specific conditional rezoning request. In order to develop the property in the manner proposed, the subject property must be rezoned to R-6 and R-10; therefore, they have submitted a rezoning request for your consideration.

Site and Area Description: The subject property is located off of Tramway Road/NC Hwy 78 between the and W. Courtland Drive/St. Andrews Church Road intersection and the Lemon Springs Road intersection.

This rezoning request is specifically described as follows:

- **Tract 1** is a vacant 10.69 acre tract of land, owned by Tramway 20 LLC, identified as Lee County tax parcel 9641-98-7696-00 as depicted on tax maps 9641.02 and 9651.01 that is requested to be rezoned from Light Industrial (LI) to Residential Mixed (R-6). The subject property has frontage on W. Courtland Drive (SR 1122) and Tramway Road/NC 78 and is located in the City of Sanford's Extraterritorial Jurisdiction or ETJ.
- **Tract 2** is a vacant 10.17 acre tract of land owned by Tramway 20 LLC, identified as Lee County tax parcel 9641-99-7002-00 as depicted on tax maps 9641.02 and 9651.01 that is requested to be rezoned from Light Industrial (LI) to Residential Mixed (R-6). The subject property has frontage on W. Courtland Drive (SR 1122) and is located in the City of Sanford's ETJ.
- **Tract 3** is a vacant 45.52 acre tract of land owned by Tramway 20 LLC, identified as Lee County tax parcel 9651-07-5937-00 and depicted on tax maps 9651.01 and 9641.02 that is requested to be rezoned from Light Industrial (LI) and Residential Single-family (R-12) to Residential Mixed (R-10). The subject property has frontage on Tramway

Road/NC 78, an unimproved right-of-way for Brenda Street (SR 1248), an unimproved right-of-way for Dewayne Street, and an unimproved right-of-way for Currituck Drive (SR 1208) with approximately 39.75 acres being within the corporate limits of the City of Sanford and the remaining balance located in the City of Sanford's ETJ.

- **Tract 4** is a vacant 5.34 acre tract of land owned by David D. Martinez and Ana S. Zelada, identified as Lee County tax parcel 9641-99-9351-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-6). The subject property has frontage on W. Courtland Drive (SR 1122) and is located in the City of Sanford's ETJ.
- **Tract 5** is a 1.01 acre tract of land developed with a house addressed as 2223 W. Courtland Drive, owned by David D. Martinez and Ana S. Zelada, identified as Lee County tax parcel 9641-99-4464-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-6). The subject property has frontage on W. Courtland Drive (SR 1122) and is located in the City of Sanford's ETJ.
- **Tract 6** is a vacant 46.74 acre tract of land owned by Charles J. Rice, identified as Lee County tax parcel 9652-00-5103-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-6). The subject property has frontage on W. Courtland Drive (SR 1122) and Caroline Drive and is located in the City of Sanford's ETJ.
- **Tract 7** is a 11.22 acre tract of land owned by Capie 1, LLC identified as Lee County tax parcel 9651-07-4087-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-12SF) to Residential Mixed (R-10). The subject property has frontage on/ is located at the terminus of an unimproved portion of Brenda Street (SR 1248) and is located in the corporate limits of the City of Sanford.
- **Tract 8** is a 0.54 acre tract of land owned by Capie I, LLC identified as Lee County tax parcel 9651-06-5679-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-10). The subject property has approximately 30ft of frontage on an improved/paved portion Brenda Street (SR 1248) and approximately 70ft of frontage on an unimproved portion of Brenda Street and is located in the City of Sanford's ETJ.
- **Tract 9** is a 0.35 acre tract of land owned by Capie I, LLC identified as Lee County tax parcel 9651-06-4458-00 as depicted on tax map 9641.02 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-10). The subject property has frontage on Harward Drive (SR 1249) and on an unimproved right-of-way portion of Brenda Street and is located in the City of Sanford's ETJ.
- **Tract 10** is a 0.41 acre tract of land owned by Capie I, LLC identified as Lee County tax parcel 9651-06-3385-00 as depicted on tax map 9651.01 that is requested to be rezoned from Residential Single-family (R-20) to Residential Mixed (R-10). The subject property has frontage on Harward Drive (SR 1249), adjoins 3112 Harward Drive to the north, and is located in the City of Sanford's ETJ.

Surrounding Land Uses:

Subject property north of Tramway Road/US Hwy 78

- North: Adjoining the site to the north are single-family homes along W. Courtland Drive, a vacant field, and an apartment/townhome community (McKenzie Park) off of Harkey Road.
- South: Adjoining the site to the south are several warehouse/commercial buildings off of Tramway Road.
- East: Adjoining the site to the east is a single-family home on a large tract of land at 1100 Tramway Road and single-family homes within the Westwood Subdivision, which is accessed via Tramway Road.
- West: On the opposite side of W. Courtland Drive is a 134 acre tract of land developed with a church (Christian Provision Ministries) and single-family homes.

Subject property south of Tramway Road/US Hwy 78

- North: Opposite Tramway Road, are several warehouse/commercial buildings off of Tramway Road.
- South: Adjoining the site to the south are single-family homes off of St. Andrew Church Road.
- East: Adjoining the site to the east are single-family homes within the Ridgeview Subdivision, which is accessed via Lemon Springs Road, other single-family homes off of Lemon Springs Road, and vacant land.
- West: Adjoining the site to the west are single-family homes within the Courtland Acres Subdivision, which is accessed via Tramway Road and St. Andrews Church Road.

Zoning District Information

Subject property north of Tramway Road/US Hwy 78

Existing Zoning: The Residential Single-family (R-20) district is established to provide areas for low-density single-family uses, with a maximum of two (2) dwelling units per acre, which may provide buffers between the agricultural and R-20 classifications and the higher density areas of the County of Lee. It includes density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character. The dimensional requirements include a minimum lot width of 100ft, a minimum lot depth of 125ft, a minimum lot size of 20,000sf with principal building setbacks of 30 feet from the front property line/right-of-way line of the public street, 30ft from the rear property line, and 15ft from the side property lines. The maximum building height is 40 feet. Examples of uses permitted by right within the R-20 zoning district include single-family homes and churches with less than 350 seats. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Existing Zoning: The Light Industrial (LI) district is established to provide for areas that contain a mix of light manufacturing uses, office park and limited retail and service uses that service the industrial uses in an attractive business park setting with proper screening and buffering, all compatible with adjoining uses. LI districts should include areas which continue the orderly development and concentration of light industrial uses. LI zones should be located so as to have direct access to or within proximity to a major or minor thoroughfare. The dimensional requirements include a minimum lot width of 80ft, a minimum lot depth of 100ft, with principal building setbacks of 10 feet from the front property line/right-of-way line of the public street with the required landscape buffer yard determining the minimum side and rear minimum building setbacks. The maximum building height is 40 feet and the maximum allowed amount of impervious surface is 80%. Examples of uses permitted by right within the LI zoning district include convenience stores with or without gas sales, grocery stores & supermarkets, restaurants with & without

drive-through facilities, and various types of manufacturing uses. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Proposed Zoning: The Residential Mixed (R-6) 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. Unit types may include single family attached dwellings, townhouses, duplexes and apartments, with a maximum of seven dwelling units per acre except as otherwise provided in the UDO. R-6 may serve as a transitional district between lower density residential and low intensity commercial uses. This district is intended to allow a mix of residential unit types and densities to provide a balance of housing opportunities while maintaining neighborhood compatibility. R-6 supports the principles of concentrating urban growth and reinforcing existing community centers. The dimensional requirements include a minimum lot width of 60ft, a minimum lot depth of 100ft, with principal building setbacks of 20 feet from the front property line/right-of-way line of the public street, 20ft from the rear property line, and 8ft from the side property lines. The maximum building height is 40 feet. Examples of uses permitted by right within the R-6 zoning district include single-family homes, duplexes, multifamily, parks & playgrounds, and churches with less than 350 seats. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Subject property south of Tramway Road/US Hwy 78

Existing Zoning: Reference the Light Industrial (LI) zoning information previously provided.

Existing Zoning: The Residential Single-family (R-12SF) district is established to provide areas for detached single-family homes, with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. The dimensional requirements include a minimum lot width of 75ft, a minimum lot depth of 100ft, with a minimum lot size of 12,000sf. The principal building setbacks are 30ft from the front property line/right-of-way line of the public street, 20ft from the rear property line, and 12ft from the side property lines. Examples of uses permitted by right within the R-6 zoning district include single-family homes, parks & playgrounds, and churches with less than 350 seats. The maximum building height is 40 feet. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Proposed Zoning: The Residential Mixed (R-10) district is established to provide areas for a mix of residential styles with a maximum of up to four (4) dwelling units per acre, where adequate public facilities and services exist with capacity to serve development. This district provides a minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. The dimensional requirements include a minimum lot width of 70ft, a minimum lot depth of 100ft, with principal building setbacks of 25 feet from the front property line/right-of-way line of the public street, 20ft from the rear property line, and 10ft from the side property lines. The maximum building height is 40 feet. Examples of uses permitted by right within the R-10 zoning district include single-family homes, duplexes, multifamily, parks & playgrounds, and churches with less than 350 seats. There is a list of permitted uses for this zoning district included within the agenda for your reference.

Overlay Districts

Subject property north of Tramway Road/US Hwy 78

Regarding the portion of the subject property that currently has a residential zoning designation-

Long Range Plan: The *Plan SanLee* Land Use Plan identifies the future land use place type for this tract of land as “Urban Neighborhood”, which has the following characteristics:

- Higher density residential neighborhood in the city core
- Walkable to adjacent urban commercial districts
- Grid street networks are the typical development form
- A local example is North 4th, 5th, and 6th Streets in Sanford.

Land use designations include open space (undeveloped open space), civic (churches, schools, civic organizations, government services, and parks) and residential (detached & attached single-family dwellings, multi-family dwellings, mother-in-law suites). Transportation, from low to high priority mode is public transit, vehicular connectivity, on-street bike lanes & off-street trail system and sidewalks/off-street trails/transit & commercial area connections. The development density is single-family up to 10 dwelling units per acre, multi-family with 10-16 units per acre with shallow building setbacks and a 45ft height limit. Utility infrastructure is public water and public waste water. The preferred character is an urban grid street network with 400ft block lengths, curb/gutter & sidewalks, with street trees and on-street parking. The current zoning districts area R-12, R-10, R-6, MF-12 (primary), and R-12SF (secondary). The proposed zoning districts are Urban Residential, Multi-family Residential, and Medium Density Residential.

Regarding the portion of the subject property that currently has a nonresidential zoning designation-

Long Range Plan: The *Plan SanLee* Land Use Plan identifies the future land use place type for this tract of land as “Maker District”, which has the following characteristics:

- Wide range of small scale light industrial uses
- Manufacturing activityuses previously prepared materials, products or parts – may include processing, fabrication, assembly, packaging, incidental storage, sales and distribution, no industrial processing
- A local example is the Lee Avenue/Rand Street area in Jonesboro

Land use designations include open space (undeveloped open space), commercial (convenience retail), and employment (light manufacturing, flexible warehousing space, co-working space, business services). Transportation, from low to high priority mode is on-street bike lanes & off-trail system, public transit, roads accommodating trucking, and vehicular connectivity.

The development density is small to moderate lot sizes with shallow to moderate setbacks and a 35ft height limit. Utility infrastructure is public water and public wastewater. The preferred character is 2-3 lane urban streets with off-street parking and external vegetated buffers. The current zoning districts are Light Industrial (primary), and Highway Commercial/General Commercial C-2 (secondary). The proposed zoning districts are Light Industrial (primary), and General Commercial (secondary).

Subject property south of Tramway Road/US Hwy 78

Long Range Plan: The *Plan SanLee* land use plan identifies the future land use place type for this tract of land as “Suburban Neighborhood”, which has the following characteristics:

- Residential areas on the outskirts of a core urbanized area
- Facilitates large scale development of single-family residential
- Walkable, with high degree of transportation connectivity between neighborhoods
- Local example: Westlake Valley neighborhood in Sanford

Land use designations include forests, undeveloped open space, schools, churches, neighborhood parks, as well as detached and attached single-family dwellings. Forms of transportation include automobiles (vehicular connectivity is encouraged in new development) that share the roads with pedestrian uses like sidewalks, off-street trails, transit and commercial area connections. Also included in transportation is on-street bike lanes and off trail bicycle systems, and public transit. The current zoning districts are residential single-family (R-20, R-14, R-12SF, and R-12). The maximum development density is four to seven units per acre with moderate building setbacks and a 35ft height limit. Utility infrastructure is public water and public wastewater. The preferred character is interconnected curvilinear streets, 600ft block lengths, curb & gutter with sidewalks, and street trees.

Local Overlay District Notes: Per GIS, the subject property is not located within an established floodplain or watershed. There are small areas of wetlands on parcels 9652-00-5103-00, 9641-98-7696-00, and 9651-07-5937-00 that will need to be taken into consideration when/if the site is (re)developed. The subject property is not located within a designated historic district.

The following is a general note included with all rezoning requests: Sanford, Lee County, and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program via mail 1612 Mail Service Center, Raleigh, NC 27699-1612, via phone at 877-623-6748 or visit the NCDEQ website at <http://deq.nc.gov>. The physical address of the office is 217 W. Jones Street, Raleigh, NC 27603.

Utilities: The subject property appears to have access to public water public water main lines that runs parallel to W. Courtland Drive, Tramway Road, Lemon Springs Road, and other small roadways adjoining the site. Public sanitary sewer would need to be extended to serve most of the parcels included in this rezoning request, with the exception of 9651-07-5937-00, which appears to have access along Lemon Springs Road. If the rezoning is approved, all new development or redevelopment that proposes to connect to public water and/or public sewer must be approved by the City of Sanford Public Works Department to verify compliance with all applicable regulations, including any/all City policies regarding annexation.

Transportation: The subject property north of Tramway Road has frontage on the following roadways:

- W. Courtland Drive (SR1122), a NCDOT maintained public roadway with a 60ft right-of-way
- Tramway Road/NC 78 Hwy, a NCDOT maintained public roadway with a 100ft right-of-way
- Caroline Drive, a City maintained public roadway with a 60ft right-of-way

The subject property south of Tramway Road has frontage on the following roadways:

- Tramway Road/NC 78 Hwy, a NCDOT maintained public roadway with a 100ft right-of-way
- Lemon Springs Road (SR 1001), a NCDOT maintained public roadway with a 60ft right-of-way
- Brenda Street (SR 1248), a NCDOT maintained public roadway with a 60ft right-of-way
- Dewayne Street, an unimproved private roadway with a 60ft right-of-way
- Currituck Drive (SR 1208), a NCDOT maintained unimproved public roadway with a 60ft right-of-way

Development Standards: If rezoned, all of the uses permitted in the Residential Mixed (R-6) and the Residential Mixed (R-10) zoning districts (as per the areas designated for each zoning district) would be

allowed and any future redevelopment of the subject property will be required to meet the current development standards of the UDO.

Staff Information Regarding a Recommendation from the Planning Board: The recommendation from the Planning Board should include language describing whether the action is consistent with an adopted comprehensive plan (*Plan SanLee*) and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.

Staff Recommendation:

Subject property north of Tramway Road/US Hwy 78

Regarding the portion of the subject property that currently has a residential zoning designation-

Staff acknowledges that the request appears to comply with the long range plan designation of “Urban Neighborhood” by allowing development density is single-family up to 10 dwelling units per acre (43,560sf in an acre / 6,000 sf per lot = 7.26 = 7 units per acre); however, this higher density residential neighborhood would not be near the city core, the site does not currently have access to public sewer, the site is in the ETJ (not in the corporate City limits) and would have to be offered for annexation in order to connect to City maintained public sewer, per City policy. Also, the UDO has not been updated to include design standards for residential subdivisions that would require sidewalks on both sides of the streets, open space (natural & improved) and amenity areas to ensure a higher quality subdivision than what has been developed in the past. Plans reviewed by the TRC may be revised and approved, as long as they comply with the UDO and all other applicable policies and codes. Therefore, staff recommends a site plan/subdivision plan specific conditional zoning district as the best option for a proposed rezoning at this location since the UDO has not been updated at this time.

Regarding the portion of the subject property that currently has a nonresidential zoning designation-

Staff acknowledges that the request does not appear to comply with the long range plan designation of “Maker District”; however, this is a relatively isolated area of nonresidential development that could be incorporated into a large scale residential development on adjoining property if the design was created in such a way that the nonresidential land uses buffer the residential land uses from the busy roadways in this area. This would decrease the area for the “Maker District”, but not eliminate it. Also, please be mindful that the portion of this site that is within the ETJ must be offered for annexation in order to be served by public sanitary sewer, per City policy.

Subject property south of Tramway Road/US Hwy 78

Staff acknowledges that the request appears to comply with the long range plan designation of Suburban Neighborhood” by requesting a residential zoning designation that allows a density of four to seven units per acre (43,560sf in an acre / 10,000sf per each residential lot = 4.356 = 4 units per acre). However, the UDO has not been updated to include design standards for residential subdivisions that would require sidewalks on both sides of the streets, open space (natural & improved) and amenity areas to ensure a higher quality subdivision than what has been developed in the past. Also, plans reviewed by the TRC may be revised and approved, as long as they comply with the UDO and all other applicable policies and codes. Therefore, staff recommends a site plan/subdivision plan specific conditional zoning district as the best option for a proposed rezoning at this location since the UDO has not been updated at this time. Also, please be mindful that the portion of this site that is within the ETJ must be offered for annexation in order to be served by public sanitary sewer, per City policy.

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA**

WHEREAS, a request to amend the Official Zoning Map has been received from Raccoon Path Holdings, LLC to rezone 64 acres located between W. Courtland Drive & Tramway Road from Light Industrial (LI) and Residential Single-family (R-20) to Residential Mixed (R-6) and to rezone 58 acres located between Lemon Springs Road & Tramway Road from Light Industrial (LI) and Residential Single-family (R-12SF) to Residential Mixed (R-10) for a total of 122 ± acres located both north and south of Tramway Road. The subject property is identified as Tax Parcels 9641-98-7696-00, 9641-99-7002-00, 9651-07-5937-00, 9641-99-9351-00, 9641-99-4464-00, 9652-00-5103-00 (portion of), 9651-07-4087-00, 9651-06-5679-00, 9651-06-4458-00 and 9651-06-3385-00 as depicted on tax maps 9641.02 and 9651.01; and,

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on August 18, 2020 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone 64 acres located between W. Courtland Drive & Tramway Road from Light Industrial (LI) and Residential Single-family (R-20) to Residential Mixed (R-6) and to rezone 58 acres located between Lemon Springs Road & Tramway Road from Light Industrial (LI) and Residential Single-family (R-12SF) to Residential Mixed (R-10) for a total of 122 ± acres located both north and south of Tramway Road. The subject property is identified as Tax Parcels 9641-98-7696-00, 9641-99-7002-00, 9651-07-5937-00, 9641-99-9351-00, 9641-99-4464-00, 9652-00-5103-00 (portion of), 9651-07-4087-00, 9651-06-5679-00, 9651-06-4458-00 and 9651-06-3385-00 as depicted on tax maps 9641.02 and 9651.01. Maps of the subject property are included as Attachments A, B, and C.

In making this decision, the City Council of the City of Sanford hereby finds that the proposed zoning map amendment is reasonable and in the public interest because the majority of the subject property is designated for residential development of a comparable density per the adopted long range plan and is located either in the City's corporate limits or ETJ.

ADOPTED this the 1st day of September 2020.

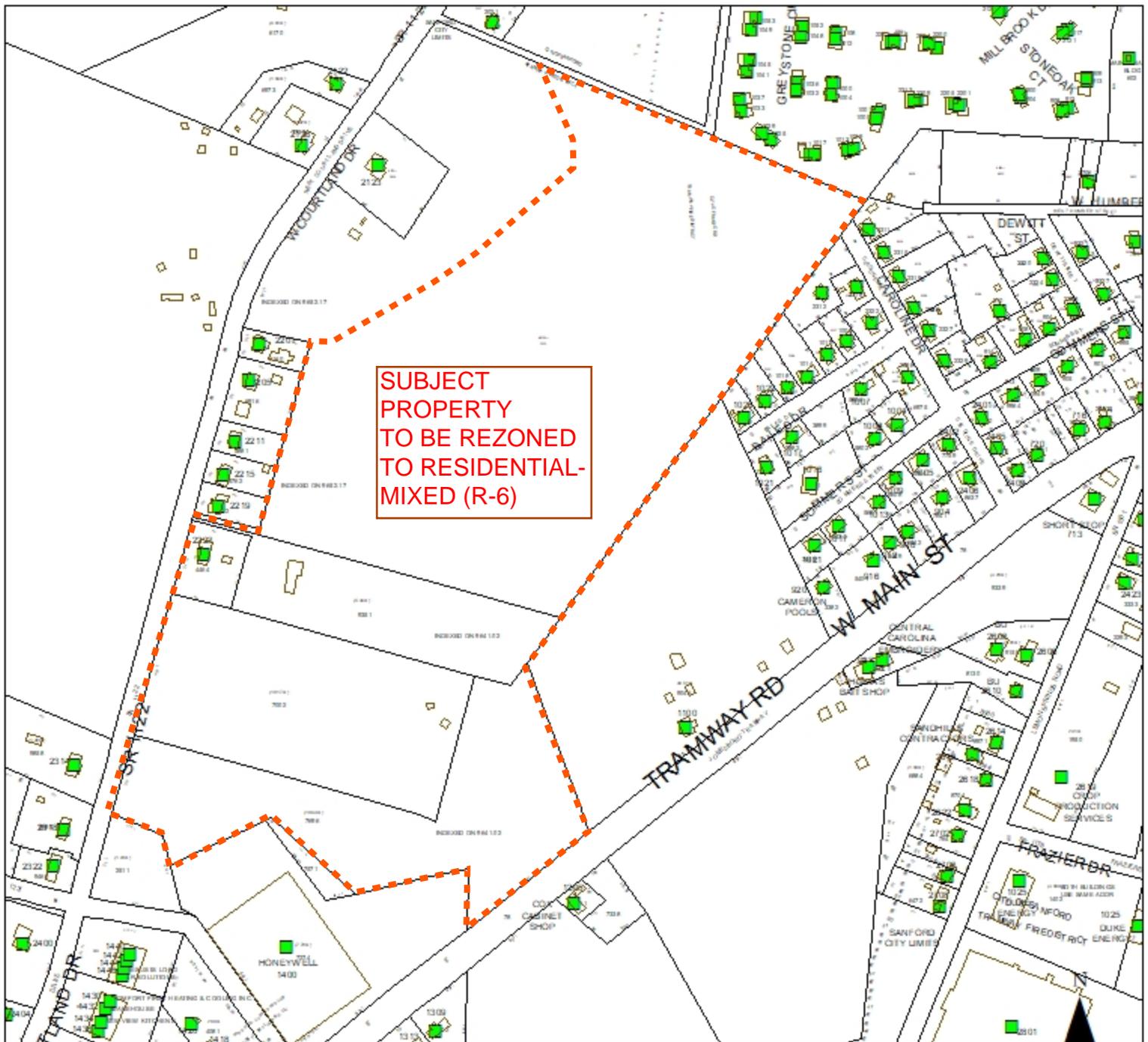
T. Chet Mann, Mayor

ATTEST:

APPROVED AS TO FORM:

Bonnie Davis, City Clerk

Susan Patterson, City Attorney

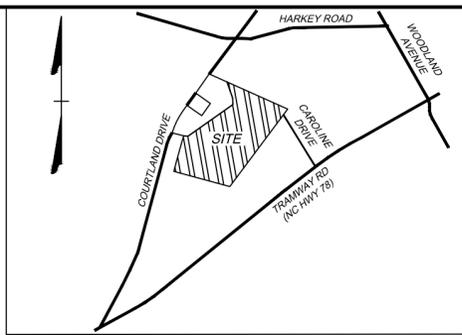
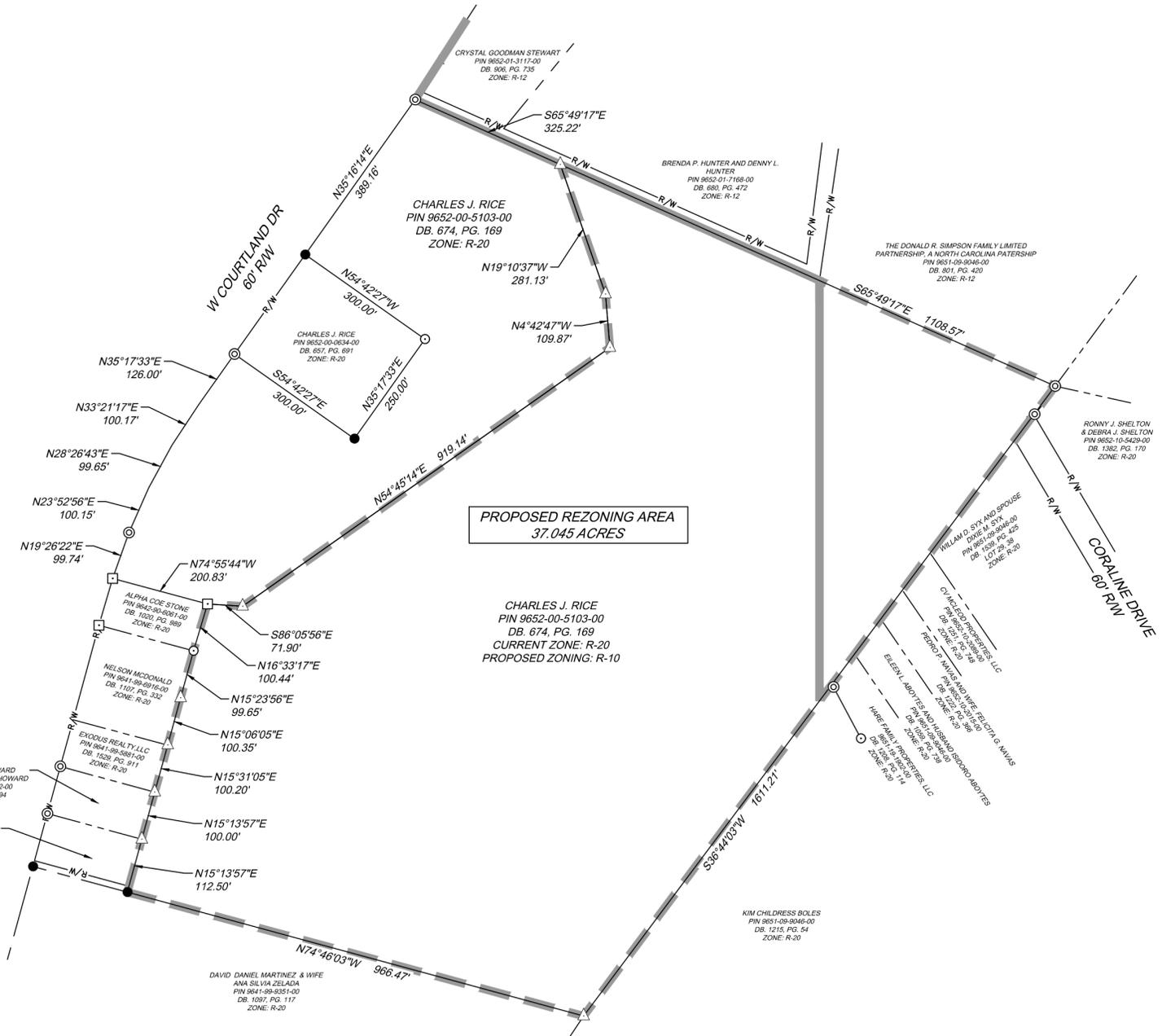
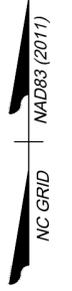


REZONING APPLICATION 2020-0804

Request to rezone 132 +/- acres comprised of 10 tracts of land, fronting on W. Courtland Drive, Tramway Road, Lemon Springs Road and various secondary roads (see illustration).

The subject property north of Tramway Road is proposed to be rezoned to Residential Mixed (R-6).
 The subject property south of Tramway Road is proposed to be rezoned to Residential Mixed (R-10).

This is a graphic illustration and not a legal document.
 All information is comprised of layers of data that may or may not align correctly.



REVIEW OFFICER CERTIFICATE
STATE OF NORTH CAROLINA, COUNTY OF LEE
I, _____, REVIEW OFFICER OF LEE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REGISTER OF DEEDS CERTIFICATE
NORTH CAROLINA, LEE COUNTY
PRESENTED FOR REGISTRATION ON THE _____ DAY OF _____ AT _____ RECORDED IN PLAT CABINET _____ SLIDE _____
MOLLIE A McINNIS, REGISTER OF DEEDS

- SURVEY NOTES:
1. PREPARED FOR RACCOON PATH HOLDINGS LLC.
2. PER THE FEMA FLOODPLAIN MAPS, THE PROPERTY IS LOCATED IN AN AREA DESIGNATED AS ZONE X. PER FIRM MAP NO. 3710964100J PANEL 9641, EFFECTIVE DATE SEPTEMBER 06, 2006, PER FIRM MAP NO. 3710964200J PANEL 9642, EFFECTIVE DATE SEPTEMBER 06, 2006, PER FIRM MAP NO. 3710965100J PANEL 9651, EFFECTIVE DATE SEPTEMBER 06, 2006, AND PER FIRM MAP NO. 3710965200J PANEL 9652, EFFECTIVE DATE SEPTEMBER 06, 2006.
3. HORIZONTAL CONTROL IS BASED ON NC STATE GRID, NAD83 (2011) AS DETERMINED BY GPS.
4. NOT ALL IMPROVEMENTS LOCATED ON THE PROPERTY HAVE BEEN SHOWN.
5. AREA COMPUTATION IS BY THE COORDINATE METHOD.
6. THIS SURVEY WAS COMPLETED WITHOUT BENEFIT OF A TITLE SEARCH.
7. RIGHT-OF-WAY AND PROPERTY BOUNDARY INFORMATION IS BASED ON REFERENCES AS SHOWN HEREON.

SURVEYOR CERTIFICATION
I, TERRY L. WESTENDORF, PLS, HEREBY CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, AS DESCRIBED IN DEEDS AND MAPS OF RECORD OR OTHER REFERENCE SOURCES; THAT THE ERROR OF CLOSURE AS CALCULATED BY LATITUDES AND DEPARTURES IS GREATER THAN 1: 10,000, THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION OF RECORD; THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURSE CORRECTION SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF A SUBDIVISION.
TERRY L. WESTENDORF, NCPLS NO. L-3238

REZONING PLAT FOR RACCOON PATH HOLDINGS LLC

Table with 2 columns: DEEP RIVER TOWNSHIP, LEE COUNTY, NC; DATE: 08/17/2020; SCALE: 1"= 200'; SHEET 1 OF 1; J.N.: 45739; DRAWN BY: MM; CHECK BY: TLW; FIELD EDIT BY: ; MAP CHECKED BY: ; REVISED: ;

DESCRIPTION OF PROPERTY TO BE REZONED
ALL THAT CERTAIN PARCEL OF LAND SITUATED IN THE TOWNSHIP OF JONESBORO, COUNTY OF LEE, STATE OF NORTH CAROLINA AS SHOWN IN PART ON PLAT ENTITLED "MAP SHOWING PROPERTY OF J.P. MC DAVID HEIRS", PREPARED BY L. M. JOHNSON RECORDED IN PLAT CABINET 3, SLIDE 116, AND LAST DATED FEBRUARY 13, 1969, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

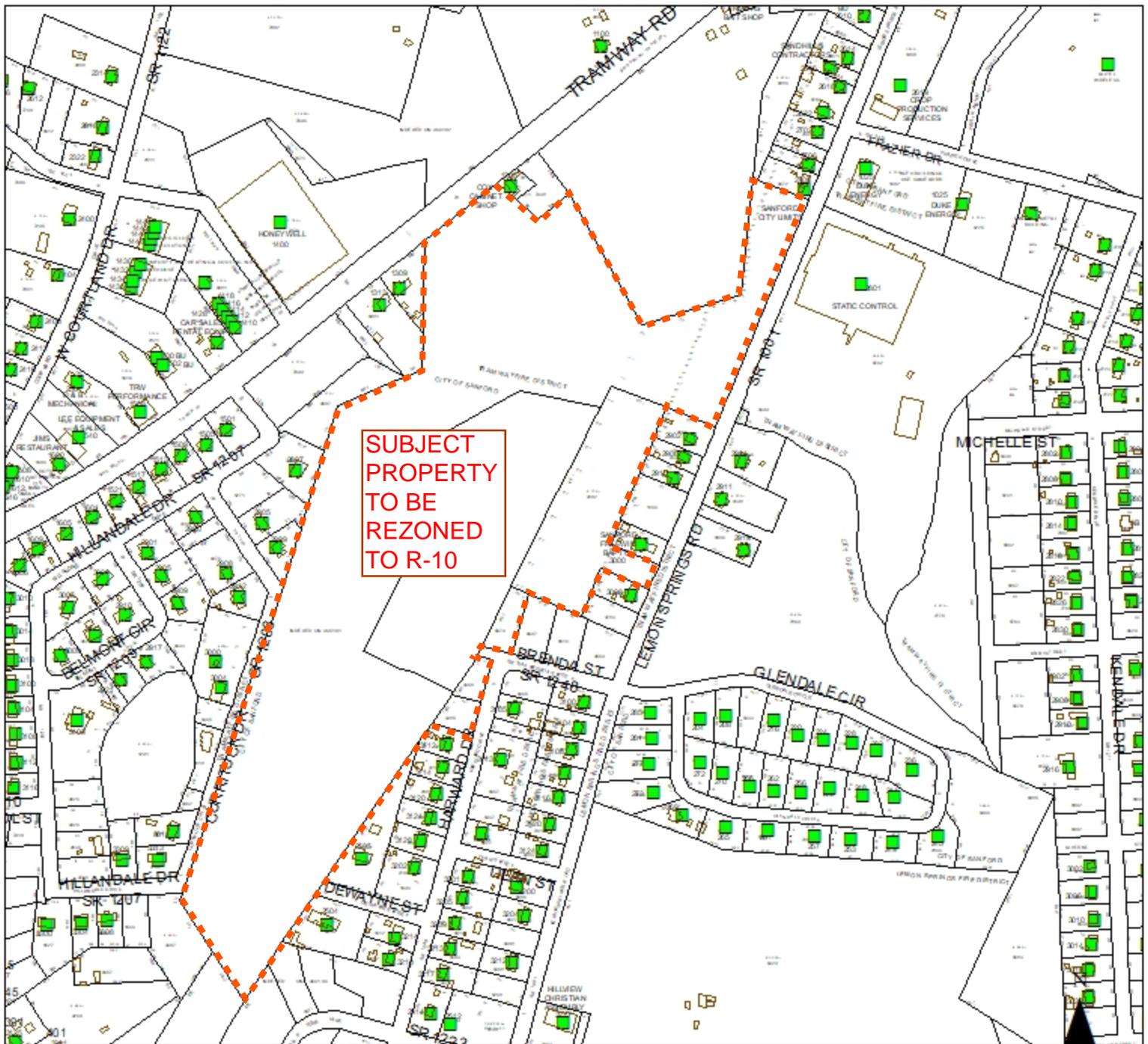
COMMENCING AT AN IRON PIPE ON THE EASTERLY SIDE OF COURTLAND DRIVE HAVING A NORTH CAROLINA GRID COORDINATE VALUE OF NORTH 621,155.82', EAST 1,950,194.00', THENCE SOUTH 65 DEGREES 49 MINUTES 17 SECONDS EAST, 325.22 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 65 DEGREES 49 MINUTES 17 SECONDS EAST, 1108.57 FEET TO AN IRON PIPE; THENCE SOUTH 36 DEGREES 44 MINUTES 03 SECONDS WEST, 1611.21 FEET TO A POINT; THENCE NORTH 74 DEGREES 46 MINUTES 03 SECONDS WEST, 966.47 FEET TO AN IRON ROD; THENCE NORTH 15 DEGREES 13 MINUTES 57 SECONDS EAST, 112.50 FEET TO A POINT; THENCE NORTH 15 DEGREES 13 MINUTES 57 SECONDS EAST, 100.00 FEET TO A POINT; THENCE NORTH 15 DEGREES 31 MINUTES 05 SECONDS EAST, 100.20 FEET TO A POINT; THENCE NORTH 15 DEGREES 06 MINUTES 05 SECONDS EAST, 100.35 FEET TO A POINT; THENCE NORTH 15 DEGREES 23 MINUTES 56 SECONDS EAST, 99.65 FEET TO AN IRON ROD; THENCE NORTH 16 DEGREES 33 MINUTES 17 SECONDS EAST, 100.44 FEET TO A CONCRETE MONUMENT; THENCE SOUTH 86 DEGREES 05 MINUTES 56 SECONDS EAST, 71.90 FEET TO A POINT; THENCE NORTH 54 DEGREES 45 MINUTES 14 SECONDS EAST, 919.14 FEET TO A POINT; THENCE NORTH 04 DEGREES 42 MINUTES 47 SECONDS WEST, 109.87 FEET TO A POINT; THENCE NORTH 19 DEGREES 10 MINUTES 37 SECONDS WEST, 281.13 FEET TO A POINT BEING THE POINT OR PLACE OF BEGINNING.

CONTAINING: 1,613,864 SQUARE FEET OR 37.045 ACRES OF LAND, MORE OR LESS.

DEED REFERENCE: BOOK 657 PAGE 691, BOOK 674 PAGE 169, PLAT REFERENCE: PLAT BOOK 3 SLIDE 116, PLAT BOOK 9 SLIDE 14-A

LEGEND
IRON PIPE FOUND
IRON ROD FOUND
CONCRETE MONUMENT
COMPUTED POINT
DEED LINE
WETLANDS
LINE NOT SURVEYED
MINOR CONTOUR
MAJOR CONTOUR
PROPOSED REZONING LINE
SANFORD CITY LIMITS
R/W RIGHT OF WAY

ABBREVIATIONS LEGEND
NTS - NOT TO SCALE
DB - DEED BOOK
PB - PLAT BOOK
PG - PAGE
SCALE 1" = 200'
0' 200' 400'



REZONING APPLICATION 2020-0804

Request to rezone 132 +/- acres comprised of 10 tracts of land, fronting on W. Courtland Drive, Tramway Road, Lemon Springs Road and various secondary roads (see illustration).

The subject property north of Tramway Road is proposed to be rezoned to Residential Mixed (R-6).
 The subject property south of Tramway Road is proposed to be rezoned to Residential Mixed (R-10).

This is a graphic illustration and not a legal document.
 All information is comprised of layers of data that may or may not align correctly.

**CERTIFICATE OF SUFFICIENCY FOR
VOLUNTARY NON-CONTIGUOUS ANNEXATION**

To the City Council of the City of Sanford of Lee County, North Carolina

I, Bonnie Davis, City of Sanford Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-58.1.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Sanford of Lee County, North Carolina this 1st day of September 2020.

(SEAL)

Bonnie Davis, City of Sanford Clerk

PETITION REQUESTING NON-CONTIGUOUS ANNEXATION OF PROPERTY TO THE CITY OF SANFORD, NC

Date: October 31, 2019

To the City Council of the City of Sanford:

- 1. We the undersigned owners of real property respectfully request that the area described in paragraph 2 below be annexed to the City of Sanford, NC.
- 2. The area to be annexed is non-contiguous to the City of Sanford and the boundaries of such territory are as follows:

(See attached - Provide metes and bounds description of boundaries on separate page)*

- 3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the City of Sanford. (and in relation to the primary corporate limits of the Town of Broadway.)**
- 4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attached proof.)

Do you declare vested rights? Yes X No

	<u>Name</u>	<u>Address</u>	<u>Signature</u>
1.	Michael L. Mazzella	4712 Shadow Ridge Court Holly Springs, NC 27540-9163	

2.			
	Village of Cumnock, LLC		
	<hr/>		 Michael L. Mazzella, Manager
			Witness: <u>Tabrina B. Butler</u>

(Seal)

*The City of Sanford requires that the petitioner submit an annexation boundary survey of the property to be annexed along with a metes and bounds description.

**Include this wording when there is substantial question as to whether the area may be closer to another municipality than to The City of Sanford.

Property to be Annexed
of
Property of Village of Cumnock

A certain parcel of land that is located south of Southern Railroad right of way, east of Cumnock Road and Zimmerman Road, north of Cotten Road and west of Property of State of North Carolina and being located in West Sanford Township, Lee County, North Carolina and being more particular described as follows:

Beginning at NCGS Monument "Gulf" with NC Grid coordinates of North 657,577.06, East 1,914,868.25 NAD 1983 with a scale factor of 0.9998867; Thence, S 77° 34' 16" E a horizontal grid distance of 14,314.60 feet to the Point Of Beginning said Point Of Beginning has the following grid coordinates of North 654,496.16 and East 1,928,847.37. said point also being Point Of Beginning being the eastern right of way of Cumnock Road and the dividing line of St Paul AME Zion Church, deed book 57 page 305; Thence along the eastern right of way of Cumnock Road the following two courses and distances Thence, N 18° 22' 28" E for a distance of 768.81 feet to a point; Thence, N 06° 27' 11" E for a distance of 190.06 feet to a point; Thence, along the dividing line of West Sanford Rural Volunteer Fire Department, Inc deed book 403 page 82 the following two courses and distances S 82° 58' 04" E for a distance of 545.71 feet to a point; Thence, N 06° 04' 12" E for a distance of 206.66 feet to a point; Thence, along the dividing line of Timothy H. Craig and wife Wenonah W. Craig deed book 435 page 836 the following two courses and distances, N 06° 49' 23" E for a distance of 305.21 feet to a point; Thence, N 83° 34' 29" W for a distance of 546.35 feet to a point in the eastern right of way of Cumnock Road; Thence along the eastern right of way of Cumnock Road, N 06° 26' 17" E for a distance of 53.39 feet to a point; Thence along the dividing line of Steven P. Phillips and wife Patricia D. Phillips deed book 903 page 528 the following two courses and distances, S 83° 11' 19" E for a distance of 196.38 feet to a point; Thence, N 06° 47' 24" E for a distance of 200.02 feet to a point; Thence along the dividing line of Romona Ascough Lawson deed book 241 page 574 the following two courses and distances, N 07° 00' 55" E for a distance of 199.25 feet to a point; Thence, N 82° 58' 52" W for a distance of 200.00 feet to a point in the eastern right of way of Cumnock Road; Thence along the eastern right of way of Cumnock Road, N 06° 06' 56" E for a distance of 49.72 feet to a point; Thence along the dividing line of Benjamin W. Spivey deed book 1457 page 828 the following three courses and distances S 83° 34' 29" E for a distance of 355.00 feet to a point; Thence, N 06° 25' 31" E for a distance of 186.50 feet to a point; Thence, N 83° 34' 29" W for a distance of 355.00 feet to a point in the eastern right of way of Cumnock Road; Thence along the eastern right of way of Cumnock Road, N 06° 47' 35" E for a distance of 74.87 feet to a point; Thence along dividing line of Wanda B.

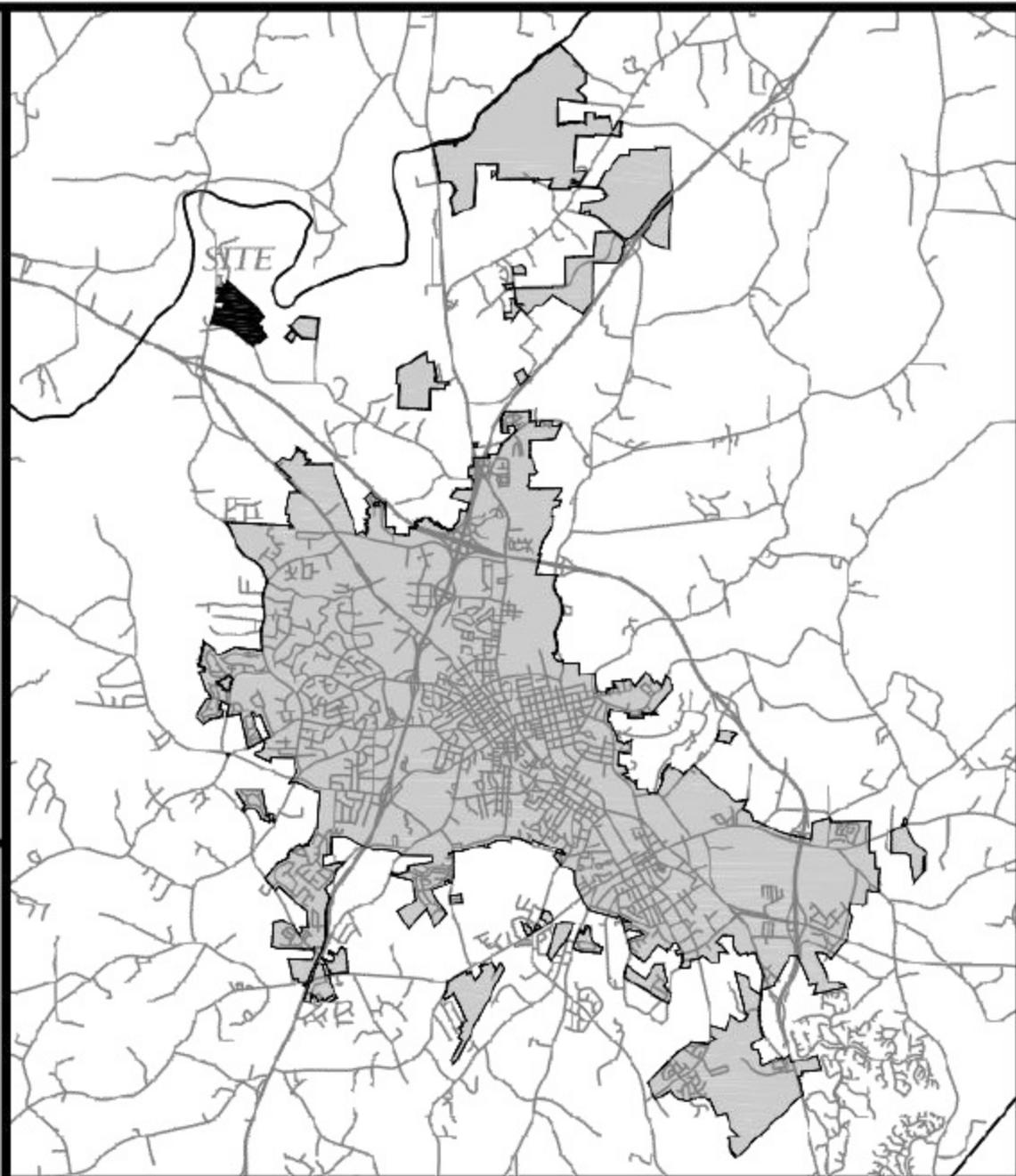
Johnson deed book 278 page 92, S 83° 20' 14" E for a distance of 197.48 feet to a point; Thence along the dividing line of live estate for Ed Bryant, Jr. and wife Juanita H. Bryant and grantee Thomas Kevin Bryant, deed book 762 page 572 the following two courses and distances, N 86° 44' 31" E for a distance of 246.50 feet to a point; Thence, N 00° 15' 29" W for a distance of 189.20 feet to a point in the eastern right of way of Zimmerman Road; Thence along the eastern right of way of Zimmerman Road the following two courses and distances, a curve turning to the left with a radius of 255.40 feet and a chord bearing of N 41° 00' 35" E for a distance of 275.46 feet to a point; Thence, N 08° 22' 33" E for a distance of 42.30 feet to a point in the dividing line of the southern right of way of Southern Railroad; Thence along the southern right of way of Southern Railroad, S 46° 56' 55" E for a distance of 2587.21 feet to a point in the dividing line of State of North Carolina deed book 781 page 206; Thence along the dividing line of State of North Carolina the following eight courses and distances, S 33° 58' 31" E for a distance of 527.50 feet to a point; Thence, S 41° 22' 48" W for a distance of 527.38 feet to a point; Thence, S 42° 31' 28" E for a distance of 355.21 feet to a point; Thence, S 08° 58' 30" E for a distance of 200.07 feet to a point; Thence, S 37° 36' 19" E for a distance of 346.49 feet to a point; Thence, S 10° 38' 29" E for a distance of 100.44 feet to a point; Thence, S 51° 53' 49" W for a distance of 442.53 feet to a point; Thence, N 67° 11' 24" W for a distance of 94.66 feet to a point; Thence, S 52° 18' 05" W for a distance of 518.84 feet to a point in the northern right of way of Cotten Road; Thence along the northern right of way of Cotten Road the following four courses and distances, N 45° 52' 25" W for a distance of 760.33 feet to a point; Thence along a curve turning to the left having a radius of 691.99 feet with a chord bearing and distance of N 51° 32' 25" W for a distance of 136.65 feet to a point; Thence, N 57° 12' 24" W for a distance of 578.62 feet to a point; Thence, N 59° 34' 23" W for a distance of 405.24 feet to a point in the dividing line of St Paul A.M.E. Zion Church deed book 57 page 305; Thence along the dividing line of St Paul A.M.E. Zion Church N 76° 53' 43" W a distance of 1065.46 feet to the Point of Beginning containing 153.17 acres and being shown at the Lee County register of deeds as Tract A1 on Plat Cabinet 9 page 82B and recorded deed book 1056 pages 260-262 located in West Sanford Township, Lee County, North Carolina as shown on map entitled "Property of New Hills Associates Limited Partnership and Marie T. Emery" by The John R. McAdams Company, September 18, 2001, revised 10-5-01 and 10-18-01.



Legal description provided by:

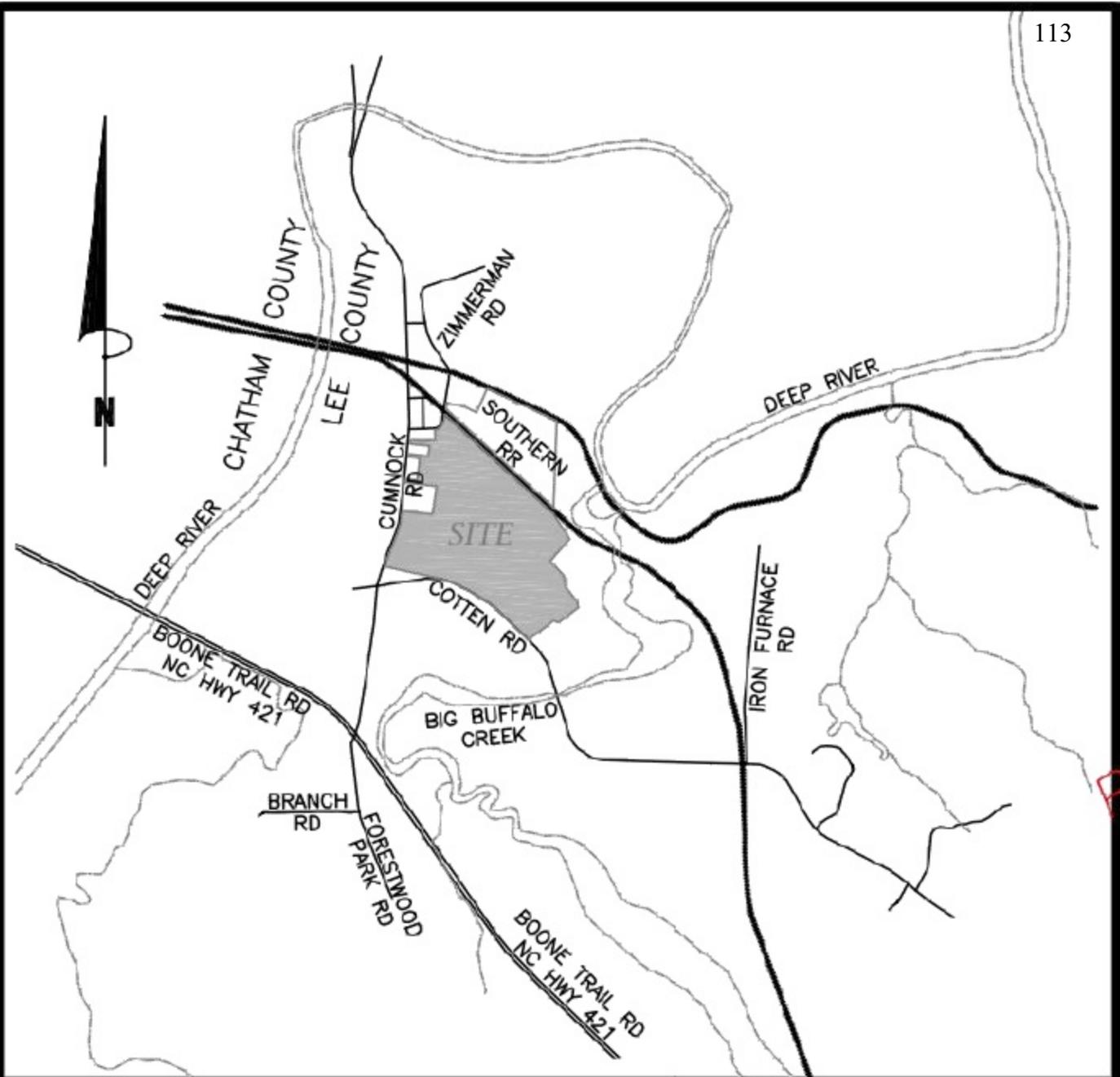
Joyner Keeny PLLC, PO box 7533, 1051 N. Winstead Avenue, Rocky Mount, North Carolina, 27804 252-977-1104 (office)
www.joynerkeenyc.com NC Firm Number P-0551. October 23, 2019

N.W. Joyner, Jr.
 10/24/19



SANFORD CITY LIMITS MAP

1" = 15,000'

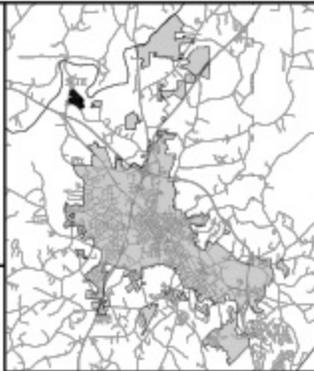


VICINITY MAP

(NTS)

NOTES

- 1. Property Information**
Tax Map Parcel ID Number: 9635-04-598-08
Zoning: RA
Total Parcel Area = 153.17 Acres
- 2. Legal Reference:** Being that parcel of land as Tract A1 in plat Exhibit B, page 1209 and described in deed book 1556 pages 260-262 and being in West Sanford Township, Lee County, North Carolina
- 3. This map does not depict encroachments that are found during a thorough & complete Title Search.**
- 4. Area computed by coordinates method**
- 5. All distances are Chord distances, unless noted otherwise.**
- 6. All Right-of-Ways are Public, unless noted otherwise.**
- 7. The property shown herein EXCEPT NOT contain Special Flood Hazard Areas (SFHAs) subject to inundation by the 1% Annual Chance Flood (i.e. 100-Yr. Event) per FEMA Flood Map Panel Nos. 37109G1500K & 37109G2100K, effective date 02/02/07 (DAVD 1889).**
- 8. The intent of this map is to provide a status and boundary description for the annexation into City of Sanford. This does not constitute a survey of land. No boundary performed**



ADJACENT OFFICE CONTACTS

State of North Carolina
County of Lee
I, _____, Adjacent Office of Lee County Clerk
due to Map or Plat to Which the Certificate is Addendums as
Required by Regulations for Recording

Review Office: _____ Date: _____

SIGNATURE OF PROFESSIONAL SURVEYOR

North Carolina, Lee County
Presented for Signature to the
County Clerk on this _____ day of _____, 2018.

Professional Land Surveyor

SANFORD CITY LIMITS MAP
1" = 15,000'

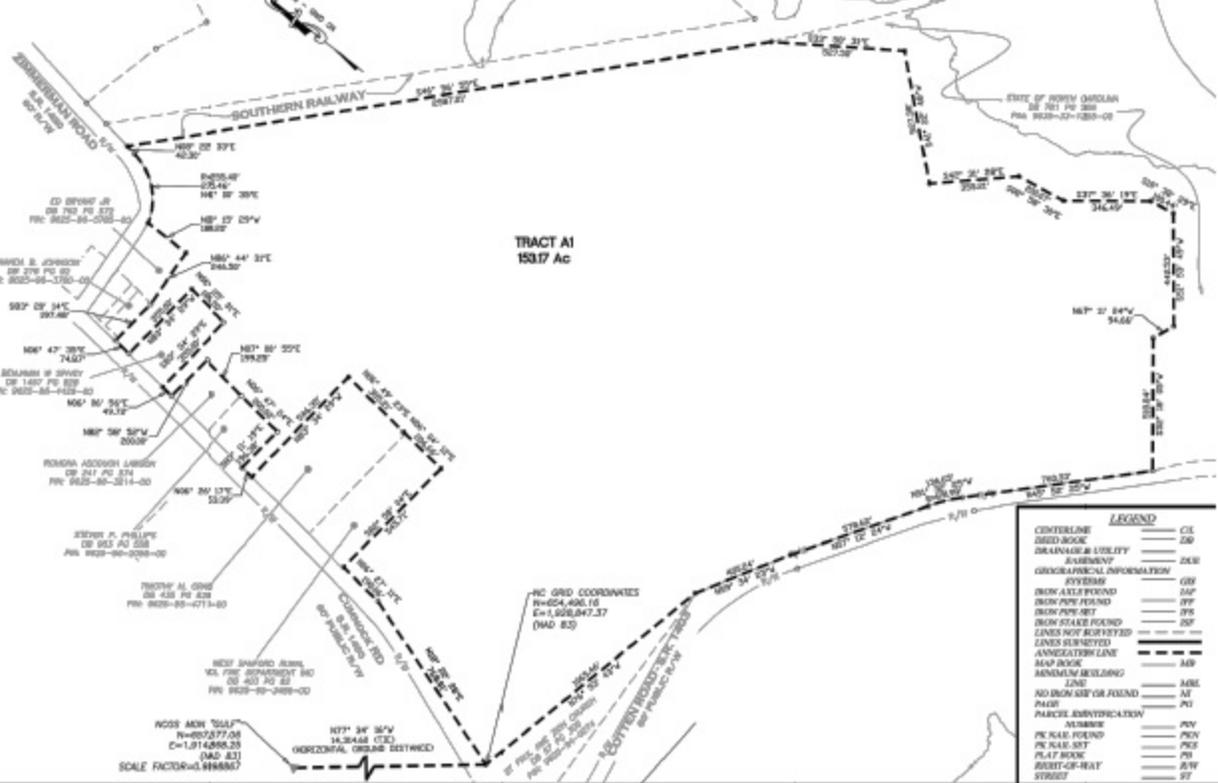
VICINITY MAP
(NTS)



L. Mike Keener, Jr., Professional Land Surveyor
No. L - 2806 Certified
THAT THIS PLAT IS OF A SURVEY OF AN EXISTING
PARCEL(S) OF LAND;

PROFESSIONAL LAND SURVEYOR NO. L - 2806

NO BOUNDARY SURVEY PERFORMED

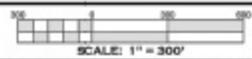


1051 North Winstead Avenue - P.O. Box 7033
Rocky Mount, North Carolina 27804
North Carolina Firm Number P-0051
Office: 252.977.3124 Fax: 252.985.6026
www.joynerkeeny.com

Annexation Map for:

The City of Sanford

OWNER: Village of Cummock, LLC
4712 Shadow Ridge Court
Holly Springs, NC 27540



SANFORD WEST SANFORD TOWNSHIP LEE COUNTY, NORTH CAROLINA

DRAWN BY: WDB CHECKED BY: NWJ DATE: 10/15/19

DWG: 190145A_Sanford Annexation.dwg VIEWPOINT: MAP

JOB NO: 190149A JK SHEET NO: 1 of 1

SET SHEET NO. L-3

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF NON-CONTIGUOUS ANNEXATION PURSUANT TO G. S. 160A-58.1

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City of Sanford Clerk as to the sufficiency of the petition has been made;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford of Lee County, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Dennis Wicker Civic Center, 1801 Nash St. at 6:00 pm on September 15, 2020.

Section 2. The area proposed for annexation is described as follows:

CITY OF SANFORD LEGAL DESCRIPTION FOR

**Non-Contiguous Annexation Boundary for Village of Cumnock, LLC Annexation
West Sanford, Lee County, NC**

A certain parcel of land that is located south of Southern Railroad right of way, east of Cumnock Road and Zimmerman Road, north of Cotten Road and west of Property of State of North Carolina and being located in West Sanford Township, Lee County, North Carolina and being more particular described as follows:

Beginning at NCGS Monument "Gulf" with NC Grid coordinates of North 657,577.06, East 1,914,868.25 NAD 1983 with a scale factor of 0.9998867; Thence, S 77° 34' 16" E a horizontal grid distance of 14,314.60 feet to the Point Of Beginning said Point Of Beginning has the following grid coordinates of North 654,496.16 and East 1,928,847.37 said point also being Point Of Beginning being the eastern right of way of Cumnock Road and the dividing line of St Paul AME Zion Church, deed book 57 page 305; Thence along the eastern right of way of Cumnock Road the following two courses and distances; Thence, N 18° 22' 28" E for a distance of 768.81 feet to a point; Thence, N 06° 27' 11" E for a distance of 190.06 feet to a point; Thence, along the dividing line of West Sanford Rural Volunteer Fire Department, Inc deed book 403 page 82 the following two courses and distances S 82° 58' 04" E for a distance of 545.71 feet to a point; Thence, N 06° 04' 12" E for a distance of 206.66 feet to a point; Thence, along the dividing line of Timothy H. Craig and wife Wenonah W. Craig deed book 435 page 836 the following two courses and distances, N 06° 49' 23" E for a distance of 305.21 feet to a point; Thence, N 83° 34' 29" W for a distance of 546.35 feet to a point in the eastern right of way of Cumnock

Road; Thence along the eastern right of way of Cumnock Road, N 06° 26' 17" E for a distance of 53.39 feet to a point; Thence along the dividing line of Steven P. Phillips and wife Patricia D. Phillips deed book 903 page 528 the following two courses and distances, S 83° 11' 19" E for a distance of 196.38 feet to a point; Thence, N 06° 47' 24" E for a distance of 200.02 feet to a point; Thence along the dividing line of Romona Ascough Lawson deed book 241 page 574 the following two courses and distances, N 07° 00' 55" E for a distance of 199.25 feet to a point; Thence, N 82° 58' 52" W for a distance of 200.00 feet to a point in the eastern right of way of Cumnock Road; Thence along the eastern right of way of Cumnock Road, N 06° 06' 56" E for a distance of 49.72 feet to a point; Thence along the dividing line of Benjamin W. Spivey deed book 1457 page 828 the following three courses and distances S 83° 34' 29" E for a distance of 355.00 feet to a point; Thence, N 06° 25' 31" E for a distance of 186.50 feet to a point; Thence, N 83° 34' 29" W for a distance of 355.00 feet to a point in the eastern right of way of Cumnock Road; Thence along the eastern right of way of Cumnock Road, N 06° 47' 35" E for a distance of 74.87 feet to a point; Thence along dividing line of Wanda B. Johnson deed book 278 page 92, S 83° 20' 14" E for a distance of 197.48 feet to a point; Thence along the dividing line of live estate for Ed Bryant, Jr. and wife Juanita H. Bryant and grantee Thomas Kevin Bryant, deed book 762 page 572 the following two courses and distances, N 86° 44' 31" E for a distance of 246.50 feet to a point; Thence, N 00° 15' 29" W for a distance of 189.20 feet to a point in the eastern right of way of Zimmerman Road; Thence along the eastern right of way of Zimmerman Road the following two courses and distances, a curve turning to the left with a radius of 255.40 feet and a chord bearing of N 41° 00' 35" E for a distance of 275.46 feet to a point; Thence, N 08° 22' 33" E for a distance of 42.30 feet to a point in the dividing line of the southern right of way of Southern Railroad; Thence along the southern right of way of Southern Railroad, S 46° 56' 55" E for a distance of 2587.21 feet to a point in the dividing line of State of North Carolina deed book 781 page 206; Thence along the dividing line of State of North Carolina the following eight courses and distances, S 33° 58' 31" E for a distance of 527.50 feet to a point; Thence, S 41° 22' 48" W for a distance of 527.38 feet to a point; Thence, S 42° 31' 28" E for a distance of 355.21 feet to a point; Thence, S 08° 58' 30" E for a distance of 200.07 feet to a point; Thence, S 37° 36' 19" E for a distance of 346.49 feet to a point; Thence, S 10° 38' 29" E for a distance of 100.44 feet to a point; Thence, S 51° 53' 49" W for a distance of 442.53 feet to a point; Thence, N 67° 11' 24" W for a distance of 94.66 feet to a point; Thence, S 52° 18' 05" W for a distance of 518.84 feet to a point in the northern right of way of Cotten Road; Thence along the northern right of way of Cotten Road the following four courses and distances, N 45° 52' 25" W for a distance of 760.33 feet to a point; Thence along a curve turning to the left having a radius of 691.99 feet with a chord bearing and distance of N 51° 32' 25" W for a distance of 136.65 feet to a point; Thence, N 57° 12' 24" W for a distance of 578.62 feet to a point; Thence, N 59° 34' 23" W for a distance of 405.24 feet to a point in the dividing line of St Paul A.M.E. Zion Church deed book 57 page 305; Thence along the dividing line of St Paul A.M.E. Zion Church N 76° 53' 43" W a distance of 1065.46 feet to the Point of Beginning containing 153.17 acres and being shown at the Lee County Register of Deeds as Tract A1 on Plat Cabinet 9 page 82B and recorded deed book 1056 pages 260-262 located in West Sanford Township, Lee County, North Carolina as shown on map entitled "Property of New Hills Associates Limited Partnership and Marie T. Emery" by

The John R. McAdams Company, Inc dated September 18, 2001, revised 10-5-01 and 10-18-01.

Section 3. Notice of the public hearing shall be published in The Sanford Herald, a newspaper having a general circulation in the City of Sanford at least ten (10) days prior to the date of the public hearing.

Adopted this 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

**CERTIFICATE OF SUFFICIENCY FOR
VOLUNTARY ANNEXATION**

To the City Council of the City of Sanford of Lee County, North Carolina

I, Bonnie Davis, City of Sanford Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Sanford of Lee County, North Carolina this 1st day of September 2020.

(SEAL)

Bonnie Davis, City of Sanford Clerk

PETITION REQUESTING CONTIGUOUS ANNEXATION OF PROPERTY TO THE CITY OF SANFORD, NC

Date: 5/16/20

To the City Council of the City of Sanford:

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the City of Sanford, NC.
2. The area to be annexed is contiguous to the City of Sanford and the boundaries of such territory are as follows:

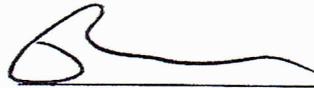
(See attached - Provide metes and bounds description of boundaries on separate page)*
3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A- 385.1 of G. S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attach proof.)

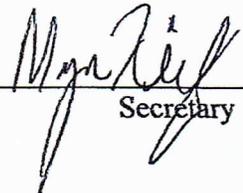
Name: Braden Riley

Address: PO Box 3248, Pinehurst, NC 28374

Signature:

Pine Reserve, LLC
Limited Liability Company


Managing Member

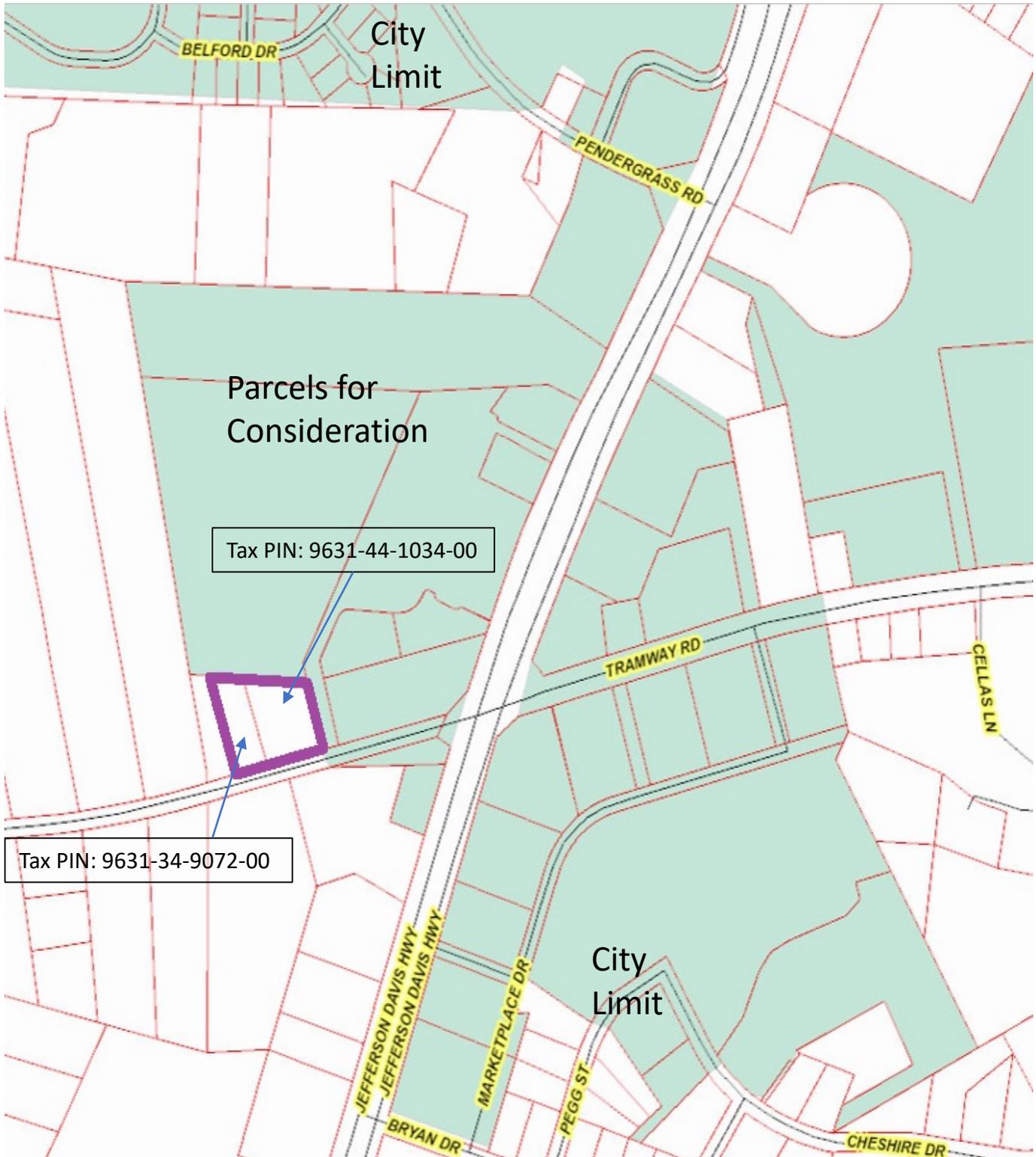
ATTEST: 
Secretary

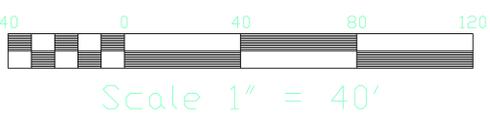
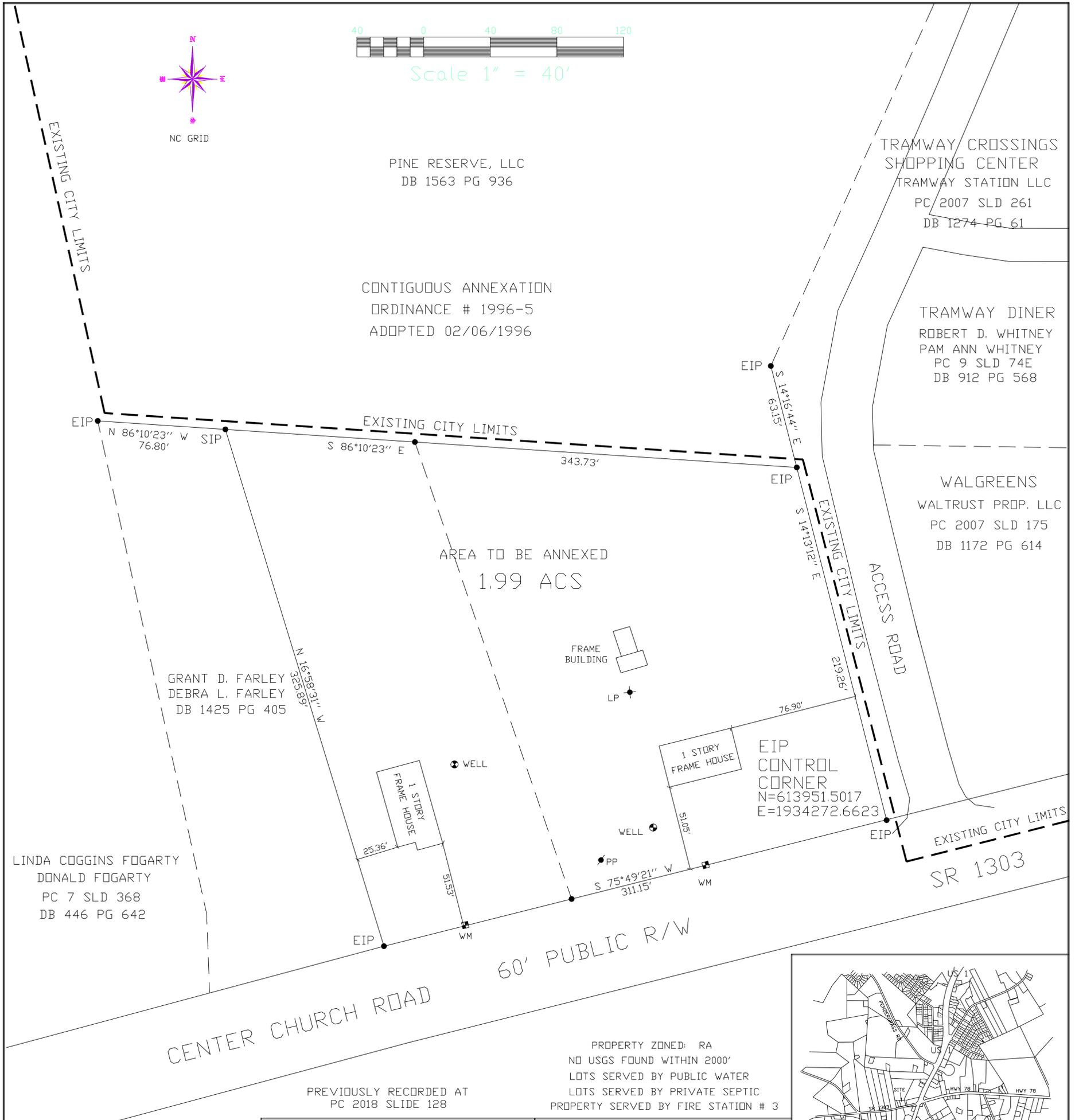
* The City of Sanford requires that the petitioner submit an annexation boundary survey of the property to be annexed along with a metes and bounds description.

LEGAL DESCRIPTION FOR PINE RESERVE, LLC ANNEXATION

BEGINNING at an existing iron pipe located in the northern right of way of State Road # 1303 also known as Center Church Road and having NC Grid Coordinates of N 613951.5017 ; E 1934272.6623 thence along the right of way of State Road # 1303 S 75d 49' 21"W 311.15' to an existing iron pipe thence leaving said right of way N16d 58' 31" W 325.89' to set iron pipe in the existing city limits of Sanford annexation adopted 02/06/1996 Ordinance # 1996-5 thence along said existing city limits S 86d 10' 23" E 343.73' to an existing iron pipe thence, S 14d 13' 12" E 219.26' to the point of Beginning containing 1.99 Acres.

Petition for Contiguous Annexation Of Pine Reserve Property





PINE RESERVE, LLC
DB 1563 PG 936

TRAMWAY CROSSINGS
SHOPPING CENTER
TRAMWAY STATION LLC
PC 2007 SLD 261
DB 1274 PG 61

CONTIGUOUS ANNEXATION
ORDINANCE # 1996-5
ADOPTED 02/06/1996

TRAMWAY DINER
ROBERT D. WHITNEY
PAM ANN WHITNEY
PC 9 SLD 74E
DB 912 PG 568

AREA TO BE ANNEXED
1.99 ACS

WALGREENS
WALTRUST PROP. LLC
PC 2007 SLD 175
DB 1172 PG 614

GRANT D. FARLEY
DEBRA L. FARLEY
DB 1425 PG 405

LINDA COGGINS FOGARTY
DONALD FOGARTY
PC 7 SLD 368
DB 446 PG 642

EIP CONTROL
CORNER
N=613951.5017
E=1934272.6623

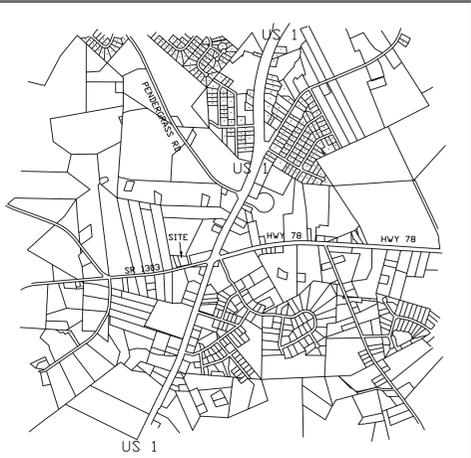
60' PUBLIC R/W

CENTER CHURCH ROAD

SR 1303

PROPERTY ZONED: RA
NO USGS FOUND WITHIN 2000'
LOTS SERVED BY PUBLIC WATER
LOTS SERVED BY PRIVATE SEPTIC
PROPERTY SERVED BY FIRE STATION # 3

PREVIOUSLY RECORDED AT
PC 2018 SLIDE 128



DEED REFERENCE FOR SURVEY:
CURRENT OWNER
PINE RESERVE, LLC
DB 1563 PG 936

STATE OF NORTH CAROLINA
COUNTY OF LEE
I, _____, REVIEW OFFICER OF LEE
COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH
THIS CERTIFICATION IS AFFIXED MEETS ALL
STATUTORY REQUIREMENTS FOR RECORDING.
REVIEW OFFICER _____ DATE _____

NORTH CAROLINA, LEE COUNTY
PRESENTED FOR REGISTRATION ON THE
____ DAY OF _____, AT _____
RECORDED IN PLAT CABINET _____, SLIDE _____
PAMELA G. BRITT - REGISTER OF DEEDS

- I, LARRY K. ALLEN, REGISTERED LAND SURVEYOR NO. L-2454, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED WITH A "X":
- A: THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - B: THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
 - C: THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.
 - D: THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.
 - E: THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

ANNEXATION MAP for the CITY OF SANFORD		PROPERTY ADDRESS	
PINE RESERVE, LLC 20 Birkdale Drive Pinehurst, NC 28374		124 CENTER CHURCH ROAD TRACT 1 156 CENTER CHURCH ROAD TRACT 2	
TOWNSHIP:	POCKET	DATE:	JULY 17, 2020
COUNTY:	LEE	SCALE:	1" = 40'
STATE:	NORTH CAROLINA	PARCEL #	9631-44-1034-00 9631-34-9072-00

I, LARRY K. ALLEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS 1: 10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 15TH; DAY OF MARCH, 2020.

REGISTERED LAND SURVEYOR
REGISTRATION NO. L-2454

LEGEND	
S.I.P. Set Iron Pipe	C.P. Calculated Point
F.I.P. Found Iron Pipe	P.P. Power Pole
F.C.M. Found Concrete Monument	C.L. Centerline
F.P.K. Found P.K. Nail	M.H. Manhole
F.R.R. Found Railroad Spike	
R/W Right of Way	
O.H.P. Overhead Power	

SURVEYORS CONTACT INFORMATION		DATE:	REVISIONS:
LARRY K. ALLEN LAND SURVEYING, PLLC CERTIFICATE # P-1004			
LARRY K. ALLEN 4469 PONDEROSA ROAD SANFORD, NC 27330		919- 731-6391	

I FURTHER CERTIFY THAT THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY FIRM FLOOD INSURANCE RATE MAPS

Project #	Drawing #
-----------	-----------

**RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION OF
ANNEXATION PURSUANT TO G. S. 160A-31**

WHEREAS, a petition requesting annexation of the area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City of Sanford Clerk as to the sufficiency of the petition has been made;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford of Lee County, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the Dennis Wicker Civic Center, 1801 Nash Street at 6:00 pm on September 15, 2020.

Section 2. The area proposed for annexation is described as follows:

CITY OF SANFORD LEGAL DESCRIPTION FOR

**Contiguous Annexation Boundary for Pine Reserve, LLC,
Pocket Township, Lee County, NC**

BEGINNING at an existing iron pipe located in the northern right of way of State Road # 1303 also known as Center Church Road and having NC Grid Coordinates of N 613951.5017; E 1934272.6623 thence along the right of way of State Road # 1303 S 75d 49' 21" W 311.15' to an existing iron pipe thence leaving said right of way N16d 58' 31" W 325.89' to set iron pipe in the existing city limits of Sanford annexation adopted 02/06/1996 Ordinance # 1996-5 thence along said existing city limits S 86d 10' 23" E 343.73' to an existing iron pipe thence, S 14d 13' 12" E 219.26' to the point of Beginning containing 1.99 Acres.

Section 3. Notice of the public hearing shall be published in The Sanford Herald, a newspaper having a general circulation in the City of Sanford at least ten (10) days prior to the date of the public hearing.

Adopted this 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

**Consideration of a Preliminary Plat for
Carthage Square Subdivision, Phase 2
Sanford City Council Meeting September 1, 2020**

Sanford Planning Board Recommendation: This subdivision was reviewed by the Planning Board on July 13th and recommended for approval by a unanimous vote, including the recommendation for a Subdivision Exception to allow Lot 25 to have less than the required 75ft of public road frontage required for a lot in the R-12 zoning district. There was discussion regarding Lot 25 having 35.54ft of road frontage, which is 39.66ft less than required; however, this lot configuration was created based on the configuration of the existing paved roadway and, in the City's jurisdiction, you are allowed to create one 2.0 acre lot with no road frontage that is served by a 30ft access easement. This lot has 35.54ft of public road frontage, as opposed to zero with an easement, and the rationale was that 35ft of road frontage is better than none.

Introduction: Raccoon Path Holdings, LLC would like to subdivide an existing tract of land that adjoins Carthage Square, an existing residential single-family subdivision, off of Carthage Street and create a new 10 lot subdivision that would be a continuation of Carthage Square Subdivision, which was created in 1993 and has 15 lots. This subdivision would be served by and existing public street, an existing public water line, and individual private septic systems.

Location:	Tyndall Drive
Jurisdiction:	City of Sanford's Extraterritorial Jurisdiction (ETJ)
Property Owner:	Raccoon Path Holdings, LLC
Project Developer:	Raccoon Path Holdings, LLC
Project Engineer:	Not required, existing public water and street
Township:	West Sanford
Council Ward:	N/A, in the City's ETJ
Tax Parcel:	9631-77-7606-00
Tax Map:	9631.02
Zoning:	Residential-Mixed (R-12)
Acreage:	7.19
Total Lots:	10 (labeled Lots 16-25)
Minimum Lot Size:	12,000sf or 0.275 of an acre
Smallest Lot Size:	17,859sf or 0.41 of an acre (Lot 24)
Largest Lot Size:	2.0 acres (Lot 25)
Linear Feet of Street:	1,236 ± linear feet along Tyndall Drive, existing
Streets:	Public street, NCDOT (SR1236)
Water:	Public Water, City of Sanford
Wastewater:	All lots are proposed to be served by individual private septic systems
Phases:	No phasing proposed
Open Space:	None required and none proposed
Fire District:	Tramway Fire Dept.
School Districts:	JR Ingram / SanLee Middle / Southern Lee High School

Area & Site Description: The subject property is comprised of one vacant tract of land off of Carthage Street, between Gloucester Drive (the main entrance to Carthage Colonies Subdivision) and Pioneer Drive (main entrance to Country Lane Acres Subdivision).

Zoning District Information: The site is zoned Residential-Mixed (R-12), which is established to provide areas for a mix of residential dwelling types with a maximum of three and one-half (3.5) dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character.

Residential-Mixed (R-12), Zoning

The minimum lot width is 75ft, with a minimum lot size of 12,000sf, and a max building height of 40ft.

The minimum building setbacks for a principal structure or house is as follows:

Front:	30 feet, as measured from the right-of-way line of the public street
Rear:	20 feet, measured from the rear property line
Side(s):	12 feet, measured from the side property lines
Note:	Corner lots have two front yard setbacks, one for each public street

Adjoining Zoning

North:	Residential-Mixed (R-12) – Sanford ETJ
South:	Residential Restrict (RR) – Lee County
East:	Residential-Mixed (R-12), opposite Carthage Street – Sanford ETJ
West:	Residential-Mixed (R-12) – Sanford ETJ

Area Plans and Overlay Districts

Long Range Plan: The *Plan SanLee* land use plan identifies the future land use place type for this tract of land as “Suburban Neighborhood” (see attached), which has the following characteristics:

- Residential areas on the outskirts of a core urbanized area
- Facilitates large scale development of single-family residential
- Walkable, with high degree of transportation connectivity between neighborhoods
- Local example: Westlake Valley neighborhood in Sanford

Land use designations include forests, undeveloped open space, schools, churches, neighborhood parks, as well as detached and attached single-family dwellings. Forms of transportation include automobiles (vehicular connectivity is encouraged in new development) that share the roads with pedestrian uses like sidewalks, off-street trails, transit and commercial area connections. Also included in transportation is on-street bike lanes and off trail bicycle systems, and public transit. The current zoning districts are residential single-family (R-20, R-14, R-12SF, and R-12). The maximum development density is four to seven units per acre with moderate building setbacks and a 35ft height limit. Utility infrastructure is public water and public wastewater. The preferred character is interconnected curvilinear streets, 600ft block lengths, curb & gutter with sidewalks, and street trees.

Local Overlay District Notes: Per GIS, the subject property is not located in local Historic District, a Watershed Conservation Overlay District, or a Flood Hazard Area/Floodplain. A tributary of Persimmon Creek bisects Lot 25 along the southern property line.

Utilities: All lots are proposed to be served by City maintained public water via an existing 8-inch water main line along Tyndall Drive. If the subdivision is approved, all connections to City maintained public water must be approved by the City of Sanford Public Works Department and the applicable Fire Dept. to verify compliance with all regulations.

Given the location outside of the City limits, the subject property does not have access to public sanitary sewer. Therefore, it has been evaluated by a licensed soil scientist in order to determine the suitability of soils for individual private septic systems and the project designer has utilized this general information when creating the lot configurations. The soils map included in the soil report illustrates the “suitable soils area” and the “unsuitable soils area” for your reference and the Planning Department and the Lee County Environmental

Health Department have a copy of the study created by the soil scientist (agenda insert). Future residential development on each lot would be served by individual private septic systems that would need to be approved by the Lee County Environmental Health Department and/or a Soil Scientist licensed to practice in the state of North Carolina at the time that the developer or individual lot owner proposes to construct a house.

Transportation: The site has 1,631ft ± of road frontage on Tyndall Drive (SR1236), a NCDOT maintained paved public highway with a 60ft right-of-way. There is a 2011 average daily traffic count of NCDOT traffic count of 180 on Tyndall Drive in front of a house addressed as 5211 Tyndall Drive.

Staff Analysis: The new 10-lot residential single-family home subdivision would be accessed via an existing public road and is now a vacant wooded lot. No architectural plans are required to be reviewed/approved as part of this subdivision review since the zoning is a standard R-20 district and not a conditional zoning district. Also, no sidewalks or curb & gutter are required since the lots are 20,000sf or greater.

Article 6 Subdivision Regulations, Section 6.7 Street Design Standards, Sub-section 6.7.1.5 Curb and Gutter, states that new single-family residential subdivisions composed of lots with a minimum lot size of less than 20,000 square feet shall be required to provide curb and gutter. In determining the lot size for a given development the actual lot sizes as proposed (not the underlying zoning) shall be used in determining if the project will be required to provide curb and gutter and for projects with a range of lot sizes, the average of all the lots shall be calculated and used to determine if the project will be required to provide curb and gutter. Specific design standards for the curb and gutter shall be obtained from the respective jurisdiction's engineering department or other authorized agency.

<u>Lot</u>	<u>Size in Acres</u>	<u>Size in SF</u>	<u>Under/Over 20,000SF</u>
16	0.51	22,215.6	Over
17	0.47	20,473.2	Over
18	0.56	24,393.6	Over
19	1.54	67,082.4	Over
20	0.43	18,730.8	Under
21	0.43	18,730.8	Under
22	0.42	18,295.2	Under
23	0.42	18,295.2	Under
24	0.41	17,859.6	Under (5 total)
<u>25</u>	<u>2.00</u>	<u>87,120.0</u>	<u>Over (5 total)</u>
Total	7.19	313,196.4	/ 10 lots = 31,319.64sf average lot size

Based on the average size of all of the lots, no curb & gutter or sidewalks are required for this subdivision.

The topography slopes downward from the west (Tyndall Drive) to the east (to the rear of the lots). There are no water features or wetlands illustrated in our GIS mapping system. A tributary of Persimmon Creek bisects Lot 25 along the southern property line. Sanford/Lee County does not have a local grading permit and relies on the North Carolina Department of Environmental Quality (NCDEQ) to regulate land disturbing activities. A sedimentation and erosion control plan for this project must be approved by NCDEQ and a copy of the approval must be on file with the Planning Department prior to recordation of the final subdivision plat, which legally creates the individual lots.

The following is a general note included with all rezoning requests: Sanford, Lee County, and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program via mail 1612 Mail Service Center, Raleigh, NC 27699-1612,

via phone at 877-623-6748 or visit the NCDEQ website at <http://deq.nc.gov>. The physical address of the office is 217 W. Jones Street, Raleigh, NC 27603.

Subdivision Exception: As part of this review/approval, the developer is asking for a Subdivision Exception. Per the UDO, Subdivision Exceptions shall be available only for Major Subdivisions in conjunction with the application for Preliminary Plat approval. Where the Planning Board and Governing Body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve exceptions to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations. All such exceptions shall be approved by the Governing Body, upon recommendation from the Planning Board, as part of the preliminary plat approval.

Subdivision Exception Request: Article 6 Subdivision Regulations, Section 6.6 Lot Design Standards, Sub-section 6.6.3 Lot Frontage Requirements states that every lot resulting from a subdivision of land shall abut and have direct access to a publicly maintained street or other public right-of-way legally dedicated, with the exception that frontage on a public street shall not be required for the creation of single lot for the purpose of development of a single-family dwelling provided that an easement providing access to the public street shall be recorded and substituted with the application for development approval. Lot 25 has direct access to Tyndall Drive (SR 1236) an existing publicly maintained street, but does not have the 75ft of road frontage required for a lot in the R-12 zoning district. It has 35.54ft of road frontage, which is 39.66ft less than required; however, this lot configuration was created based on the configuration of the existing paved roadway and, in the City's jurisdiction, you are allowed to create one 2.0 acre lot with no road frontage that is served by a 30ft access easement. This lot has 35.54ft of public road frontage, as opposed to zero with an easement. (Even though an easement isn't warranted, there is one illustrated on the plat to illustrate the intent to access the lot in this area). All driveways off of NCDOT streets are subject to the driveway compliance with NCDOT requirements.

Other Conditions/ Requirements/Notes:

- 1.) All TRC technical revisions must be addressed prior to the final plat being recorded.
- 2.) A copy of the NCDEQ approval will be required prior to recordation of the final plat for each phase.
- 3.) A copy of the NCDOT approval will be required prior to recordation of the final plat for each phase.
- 4.) The preliminary plat shall be valid for two years if approved by the Sanford City Council.

RESOLUTION AUTHORIZING THE USE OF
ELECTRONIC SIGNATURES FOR TRANSACTIONS
WITH THE CITY OF SANFORD

WHEREAS, pursuant to NCGS Chapter 66 Article 11A, Electronic Commerce in Government, all public agencies, which includes local units of government, may use and accept electronic signatures under the Uniform Electronic Transactions Act, NCGS Chapter 66, Article 40; and

WHEREAS, NCGS §66-58.5, requires that a public agency request or require the use of electronic signatures in order for agency transactions signed electronically to have the same force and effect as if a manual signature had been used; and

WHEREAS, the use of electronic signatures increases the efficiency of sharing and distributing documents; and

WHEREAS, the use of electronic signatures increases overall efficiency and promotes social distancing during States of Emergency; and

WHEREAS, the City of Sanford desires to approve and authorize the use and acceptance of electronic signatures in current or future City business transactions, so that the electronic signature process will satisfy the validity requirements of NCGS §66-58.5; this electronic signature approval shall include, but not be limited, to contracts, permits, purchase orders, financial documents, and change orders.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

1. That, in accordance with NCGS §66-58.5, it authorizes the utilization and acceptance of electronic signatures and an electronic version of the official City seal in City business transactions, including, but not limited to, City contracts, permits, purchase orders, financial documents, and change orders.
2. Officials and employees using electronic signatures shall utilize an authentication process to ensure secure electronic signatures.
3. When authorized, an electronic signature shall have the same force and effect as if a manual signature had been used in all City transactions.

This 1st day of September 2020.

ATTEST:

T. Chet Mann, Mayor

Vicki Cannady, Deputy City Clerk

**RESOLUTION TO ADOPT AND APPROVE THE
2020 WASTEWATER SYSTEM CAPITAL IMPROVEMENT PLAN**

WHEREAS, the City of Sanford has developed a sewer system in and around the City of Sanford; and

WHEREAS, said municipal sewer system is operated and maintained by the City of Sanford; and

WHEREAS, the City of Sanford recognizes the need for, and advantage of, maintaining adequate short-term and long-term planning for capital improvements for the sewer system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford that the 2020 Wastewater Capital Improvement Plan is hereby adopted and approved; and

BE IT FURTHER RESOLVED that the City Council authorizes staff to update the plan as new information becomes available.

Adopted this the 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

Vicki Cannady, Deputy City Clerk

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF
PRELIMINARY ASSESSMENT ROLL, AND SETTING TIME AND PLACE FOR
PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL**

FOREST HILLS SEWER EXTENSION

WHEREAS, the extension of the sewer system by the Forest Hills Sewer Extension Project which took place along or near Mayflower Circle and Sherwood Drive, was ordered by Resolution of this City Council duly passed on 18th day of September, 2018, and has completed in accordance therewith; and

WHEREAS, the total cost of the project has been computed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford that:

1. The total cost of the above described project is hereby declared to be \$167,032.58. The amount subject to assessment is \$153,866.54.
2. The City Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the benefited properties.
3. The City Clerk is hereby directed to make available during regular office hours, in the Clerk's office, the Preliminary Assessment Roll for public inspection from this day through the 20th day of October, 2020.
4. The City Council will hold a public hearing at 6:00 pm on the 20th day of October, at the Dennis Wicker Civic Center for the purpose of hearing all interested persons.
5. The City Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first-class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

Adopted this 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

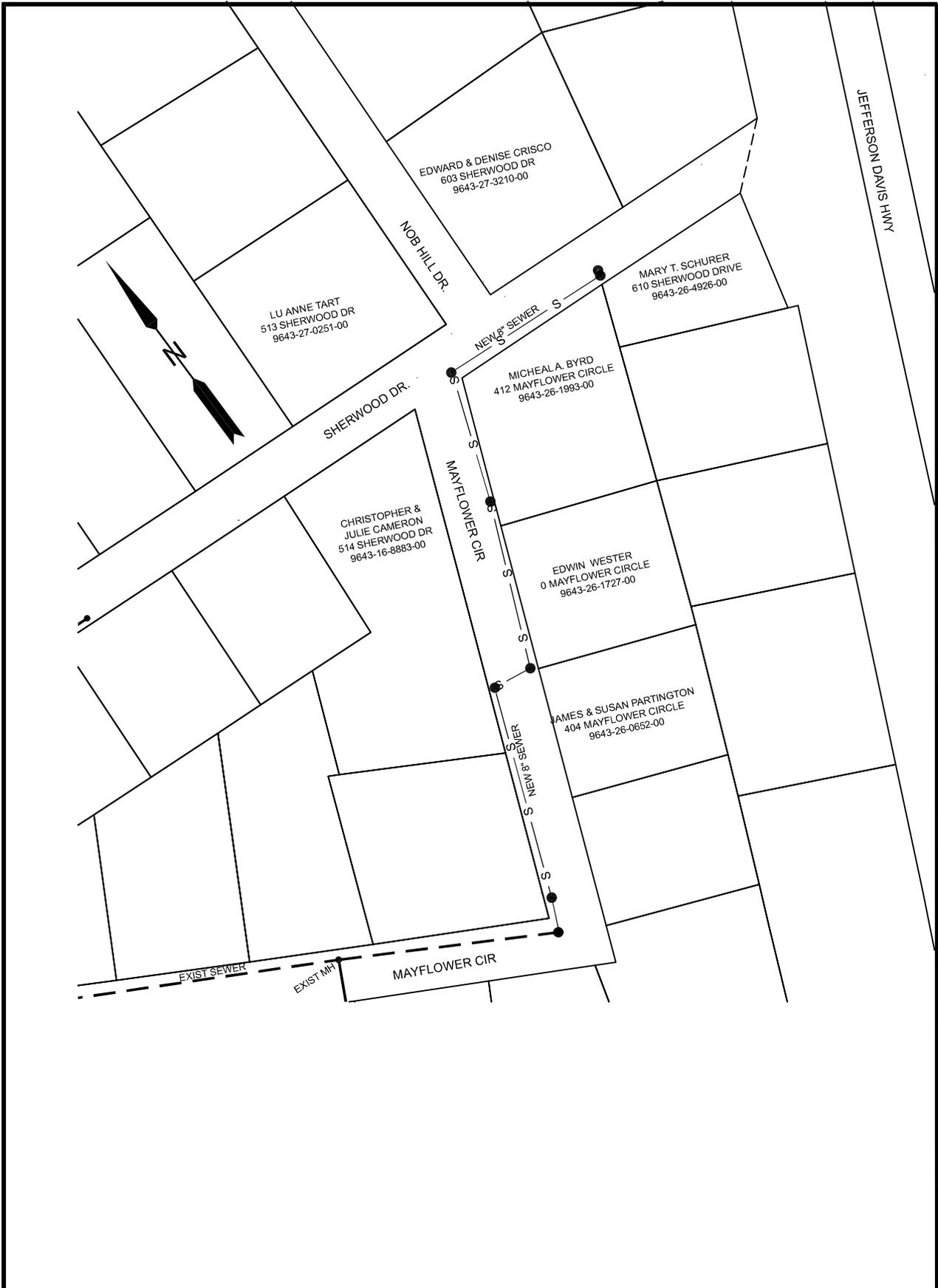
Vicki Cannady, Deputy City Clerk

Susan C. Patterson, City Attorney

**CITY OF SANFORD
ASSESSMENT ROLL FOR SEWER EXTENSION
FOREST HILLS SEWER EXTENSION**

Key	Property Owner	Property Address	Pin #	Owner's Address	Lots	Assessed Cost
1	Michael Byrd	412 Mayflower Cir., Sanford, NC 27330	9643-26-1993-00	412 Mayflower Cir., Sanford, NC 27330	1	\$ 5,495.23
2	Cheryl Cole	610 Sherwood Dr. Sanford, NC 27330	9643-26-4926-00	610 Sherwood Dr. Sanford, NC 27330	1	\$ 5,495.23
	Robert and Christine Cole					
3	Edward and Denise Crisco	603 Sherwood Dr., Sanford, NC 27330	9643-27-3210-00	603 Sherwood Dr., Sanford NC 27330	1	\$ 5,495.25
4	Lu Anne Tart	513 Sherwood Dr., Sanford, NC 27330	9643-27-0251-00	24 Caco Dr., Lillington, NC 27546	1	\$ 5,495.23
5	Christopher S. Cameron and wife Julie D. Cameron	514 Sherwood Dr., Sanford, NC 27330	9643-16-8883-00	514 Sherwood Dr., Sanford, NC 27330	1	\$ 5,495.23
6	Edwin Rufus Wester Jr.	0 Mayflower Cir., Sanford, NC 27330	9643-26-1727-00	1500 Windjammer Ct Sanford 27330	1	\$ 5,495.23
7	James N. Partington and wife Susan C. Partington	404 Mayflower Cir., Sanford, NC 27330	9643-26-0652-00	404 Mayflower Cir., Sanford, NC 27330	1	\$ 5,495.23

Schedule of Discounts: None



SEWER EXTENSION FOREST HILLS

LU ANNE TART - 513 SHERWOOD DRIVE
 EDWARD & DENISE CRISCO - 603 SHERWOOD DRIVE
 MARY T. SCHURER - 610 SHERWOOD DRIVE
 MICHAEL A. BYRD - 412 MAYFLOWER CIRCLE

EDWIN WESTER - 0 MAYFLOWER CIRCLE
 JAMES & SUSAN PARTINGTON - 404 MAYFLOWER CIRCLE
 CHRISTOPHER & JULIE CAMERON - 514 SHERWOOD DRIVE

KEN BRIGHT ASSOCIATES, PLLC
 LICENSE No.: P-0781
 P.O. BOX 553 SANFORD, NC 27331
 (919) 776-3444
 kwbright@kenbrightengineering.com

SCALE: 1"=100'
 DATE: 8-2-2020
 FILE: SP2017.24-FOREST HILLS

REVISIONS:

**RESOLUTION DECLARING COST AND ORDERING PREPARATION OF
PRELIMINARY ASSESSMENT ROLL, AND SETTING TIME AND PLACE FOR
PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL**

NASH STREET SEWER EXTENSION

WHEREAS, the extension of the sewer system by the Nash Street Sewer Extension Project which took place along or near Nash Street, was ordered by Resolution of this City Council duly passed on 21st day of November, 2017, and has completed in accordance therewith; and

WHEREAS, the total cost of the project has been computed;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford that:

1. The total cost of the above described project is hereby declared to be \$39,762.50. The amount subject to assessment is \$36,527.90.
2. The City Clerk is hereby directed to prepare a Preliminary Assessment Roll showing the individual assessments upon the benefited properties.
3. The City Clerk is hereby directed to make available during regular office hours, in the Clerk's office, the Preliminary Assessment Roll for public inspection from this day through the 20th day of October, 2020.
4. The City Council will hold a public hearing at 6:00 pm on the 20th day of October, 2020, at the Dennis Wicker Civic Center for the purpose of hearing all interested persons.
5. The City Clerk is hereby directed to publish the required notice of the public hearing and, no later than 10 days before the public hearing, to mail by first-class mail copies of the notice to the owners of real property listed on the Preliminary Assessment Roll.

Adopted this 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

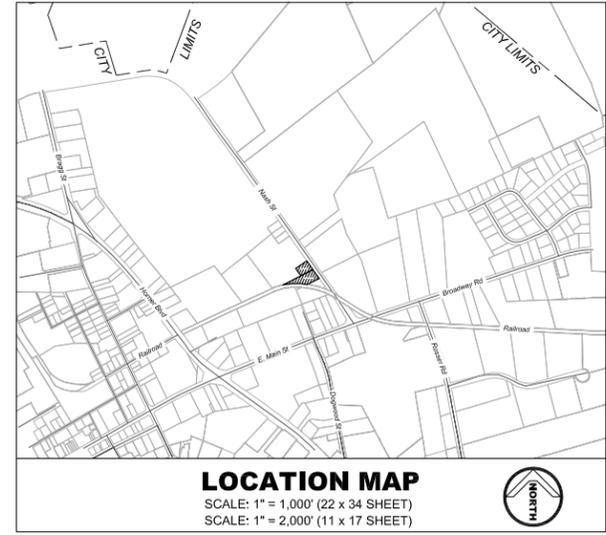
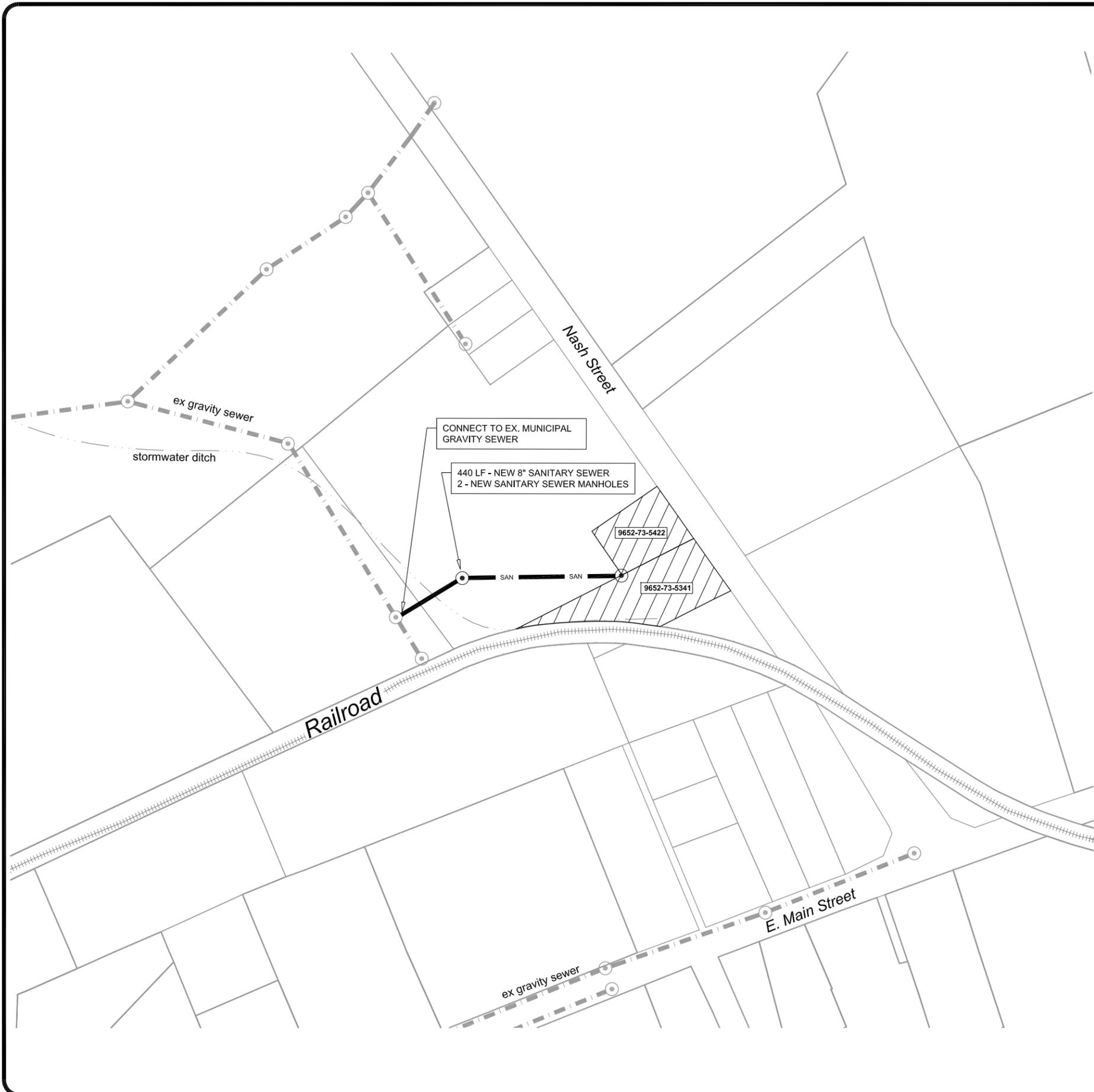
Vicki Cannady, Deputy City Clerk

Susan C. Patterson, City Attorney

**CITY OF SANFORD
ASSESSMENT ROLL FOR SEWER EXTENSION
NASH STREET SEWER EXTENSION**

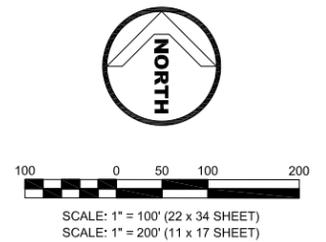
Key	Property Owner	Property Address	Pin #	Owner's Address	Lots	Assessed Cost
1	Harvey & Rita Lee	2222 Nash Street, Sanford, NC, 27330	9652-73-5422-00	6419 Bradley Rd Sanford NC 27330	1	\$ 4,565.90
2	Harvey & Rita Lee	2300 Nash Street, Sanford, NC, 27330	9652-73-5341-00	6419 Bradley Rd Sanford NC 27330	1	\$ 4,565.90

Schedule of Discounts: None



NOTES

1. BASE MAPPING SOURCE: CITY GIS
2. GRAVITY SEWER EXTENSION TO SERVE THE FOLLOWING PROPERTIES:
 - 9652-73-5422**
LEE, HARVEY GLENN III
2222 NASH STREET
 - 9652-73-5341**
LEE, HARVEY GLENN III
2300 NASH STREET



**PRELIMINARY
DO NOT USE FOR
CONSTRUCTION**

J Thomas Engineering, Inc.
civil engineering • planning
143 Charlotte Avenue, Suite 104
Sanford, North Carolina 27330
(919) 777-6010 phone
www.jthomasengineering.com
license no. C-3389

PROFESSIONAL ENGINEER'S SEAL

**CITY OF SANFORD, NORTH CAROLINA
SANITARY SEWER PETITIONS**
2222 AND 2300 NASH STREET
SANFORD, NORTH CAROLINA

SCHEMATIC OF SANITARY SEWER EXTENSION

REVISIONS	

Scale: SEE SCALE BAR	Drawn by: JRT
Sheet: 1 of 1	Designed by: JRT
Project Number: 17-007	Reviewed by: JRT
	Date: 01 MAY 2017

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works and drinking water distribution systems, and

WHEREAS, The City of Sanford has need for and intends to construct a drinking water treatment works and drinking water distribution system) project described as the expansion of the Sanford Water Treatment Plant and associated distribution improvements,

WHEREAS, The City of Sanford intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SANFORD:

That City of Sanford, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Sanford to make scheduled repayment of the loan, to withhold from the City of Sanford any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Hal Hegwer, City Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan to aid in the construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 1st day of September, 2020, at the City of Sanford Municipal Building, Sanford, North Carolina.

(Signature of Chief Executive Officer)

(Title)

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Sanford does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 1st day of September, 2020; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

(Signature of Recording Officer)

(Title of Recording Officer)

NORTH CAROLINA HOUSING FINANCE AGENCY

URGENT REPAIR PROGRAM

FUNDING AGREEMENT

Recipient: City of Sanford

Funding Agreement Number: URP2034

NORTH CAROLINA HOUSING FINANCE AGENCY
URGENT REPAIR PROGRAM

FUNDING AGREEMENT

This Funding Agreement (the "Agreement") is entered into on the 7th day of August, 2020, by the North Carolina Housing Finance Agency (the "Agency"), a public agency of the State of North Carolina and the City of Sanford (the "Recipient").

Recitals

Whereas, the North Carolina Housing Trust Fund (the "Fund") was created by the 1987 Session of the North Carolina General Assembly which added Chapter 122E to the General Statutes, entitled the North Carolina Housing Trust Fund and Oil Overcharge Act (the "Act"); and

Whereas, the Act also created the North Carolina Housing Partnership (the "Partnership") to establish policies for programs of the Fund; and

Whereas, the Partnership has adopted policy guidelines for the operation of an Urgent Repair Program (the "Program") from the Fund; and

Whereas, the Agency is responsible for implementing and operating programs of the Fund based on the policies of the Partnership; and

Whereas, the Agency has advertised the availability of applications for funding under the Program;

Whereas, the Application of the Recipient identified on the cover page of this Funding Agreement was received, evaluated, and approved by the Agency and thereby made a part of this Agreement to be referenced as applicable; and

Whereas, the Agency has developed Program Guidelines (the "Guidelines") dated April 27, 2020, governing the execution of the Program by the Recipient and their relationship to this Agreement is made explicit in section 9 of this Agreement;

Now, therefore, in consideration of the payment of ten dollars (\$10.00) by the Recipient to the Agency, the exchange of the mutual promises set forth herein and other good and valuable consideration the Recipient and the Agency mutually agree as follows:

PART A: TIME OF PERFORMANCE

Section 1: Time of Performance

(a) The Recipient shall begin performance of this Agreement on the 7th day of August, 2020 and shall complete performance no later than the 31st day of December, 2021 (date of completion). Any funds that are not committed under contract (pursuant to section 3.1 of the Program Guidelines) to a Program participant as of the completion date must be withdrawn from deposit and returned to the Agency, unless the Agency agrees in writing to an extension of this Agreement.

(b) The Recipient must make reasonable progress in the use of funds under this Agreement. Failure to do so may result, at the discretion of the Agency, in a reduction of the amount of funds available under this Agreement.

PART B: PROGRAM FUNDING

Section 2: Grant Amount

(a) The Agency has approved a Program Grant to the City of Sanford in the principal amount of One Hundred Thousand dollars (\$100,000). The funds are from the State appropriated North Carolina Housing Trust Funds. In no event shall expenditures under this Agreement exceed this Program Grant.

Section 3: Disbursement of Funding

The Recipient will receive Program funds in accordance with the Guidelines, section 3.2 *Disbursements*.

Section 4: Deposit of Funds

(a) Any money advanced to the Recipient must be deposited, tracked and documented in accordance with the Guidelines, sections 3.4 *Recipient Accounts* and 3.5 *Program Income*.

(b) The Agency reserves the right to require that all deposits made in eligible accounts will be subject to withdrawal by the Recipient and will also be subject to withdrawal by the Agency. If the Agency chooses to exercise this option, an agreement for custodial accounts will be provided by the Agency to implement the requirement and will be executed prior to the initial disbursement.

(c) Checks will be delivered to the addresses provided in section 24 of this Agreement.

PART C: FINANCIAL MANAGEMENT

Section 5: Honesty and Fidelity Bond

The Recipient must comply with the Honesty and Fidelity Bond requirements of the Guidelines, Section 3.3 *Honesty and Fidelity Bond*.

Section 6: Establishment and Maintenance of Accounting Records

The Recipient must comply with the accounting procedures of the Guidelines, Section 3.6 *Accounting*.

Section 7: Procurement Procedures

Recipient shall establish written procurement and contracting procedures which provide that proposed procurement and contracting actions will be properly managed in accordance with the Guidelines, section 3.8 *Procurement*.

Section 8: Annual Audit Report

The Recipient must comply with the auditing standards and requirements of the Guidelines, section 3.9 *Financial Audit Requirements*.

PART D: PROGRAM MANAGEMENT

Section 9: Program Guidelines

The terms of the Agreement are subject to the Guidelines in all respects, whether specifically referenced in this Agreement, and all defined terms used in this Agreement shall have the same meanings as used in the Guidelines. In the event the Guidelines are revised, the Agency will forward such revisions to the Recipient and thereby make them a part of this Agreement. Failure of the Recipient to comply with the terms and conditions of the Guidelines shall be an event of default by the Recipient under this Agreement.

The Agency may reduce, suspend, or otherwise change the disbursement of payments under this Agreement, and the Agency may terminate this Agreement if the Agency determines that the Recipient has failed to comply with the Guidelines.

Section 10: Program Documents

The Recipient's Program must use grants to finance eligible repairs for Program participants. The Recipient must comply with the documentation requirements of the Guidelines, section 4.3 *Program Documents*.

Section 11: Recipient Responsibility

The Recipient must comply with the procedures and requirements of the Guidelines, section 3.10 *Monitoring by Recipient*.

Section 12: Reports

The Recipient must comply with the procedures and requirements of the Guidelines, section 3.11 *Reporting by Recipient*.

Section 13: Right to Inspect

The Recipient must comply with the procedures and requirements of the Guidelines, section 3.12 *Monitoring by Agency*.

PART E: GENERAL CONDITIONS

Section 14: Prohibited Activity

The Recipient must comply with the procedures and requirements of the Guidelines, section 2.2 *Prohibited Activities*.

Section 15: Publicity

The Recipient must, when publicizing Program availability, act in accordance with the requirements of the Guidelines, section 4.1 *Selection of Applicants*.

Section 16: Contract Changes

Any proposed changes in this Agreement shall be in writing, submitted to and approved and executed by the Agency before the performance of any work involved in the proposed change.

Section 17: Assignment

This Agreement shall be binding on and inure to the benefit of the Agency, its successors and assigns. The Recipient may not assign all or any part of its interest in this Agreement or delegate any duty or obligation hereunder without the prior written consent of the Agency.

Section 18: Termination of Agreement

Termination of this Agreement will be governed by the rules and requirements of the Guidelines, section 3.1 *Funding Agreement*.

Section 19: Indemnification

The Recipient holds harmless and indemnifies the Agency from any and all claims, including reasonable attorney's fees, for injury or damage to persons or property which may arise in connection with work performed under this Agreement or pursuant to the Recipient's Program.

Section 20: Litigation

The Recipient represents and warrants to the Agency that there is no pending or active litigation against the Recipient that may jeopardize or adversely affect this Agreement or the completion of activities hereunder.

Section 21: E-Verify

Member agrees to comply with the requirement of N.C.G.S. 64-26(a) which requires private employers with 25 or more employees in the State of North Carolina to comply with the Federal E-Verify system for verification of all employees' legal work status.

Section 22: Prohibition of Discrimination.

The Member must consider all applications in the order in which they are received, or in any other manner designated by the Agency, on a fair and equal basis, may not arbitrarily reject an application, and may not vary the terms of a loan or the application procedures therefore or reject an applicant in violation of any State or federal law regarding discrimination.

Section 23: Notice

Any requirement to provide notice under this Agreement shall be deemed to have been met if delivered to the following parties at the following addresses:

Recipient:

Mr. Hal Hegwer, City Manager
City of Sanford
PO Box 3729
Sanford, NC 27331

Agency:

Kim Hargrove, Team Leader of Documentation and Compliance, MSML
North Carolina Housing Finance Agency
3508 Bush Street
Raleigh, NC 27609-7509

Section 24: Entire Agreement

This Agreement consists of eight pages, including the cover page, and is the entire Agreement between the Agency and the Recipient.

In Witness Whereof, the parties below have executed this Agreement on the date first written above.

City of Sanford

Attest

By: _____
Its: City Manager

Chuck Doyle
Attest

North Carolina Housing Finance Agency

By: [Signature]

Its: Manager of Home Ownership Rehabilitation and Compliance

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2020-21**

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 2020-22 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 2020-2021.

**GENERAL FUND
TRANSFER OF FUNDS**

Transfer from the Following Accounts:

10016650 69900 Contingency 5,000

Total Appropriation

Transfer to the Following Accounts:

10016650 00000 Contribution - Capital Project 5,000

\$ 5,000

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 1st day of September, 2020.

ATTEST:

T. Chet Mann, Mayor

Bonnie Davis, City Clerk

2020-2021 BUDGET ORDINANCE AMENDMENT**GENERAL FUND****Transfer from the Following Funds - results in decreasing of budget**

Contingency	5,000	To transfer contingency funds required to offset expenditures as described below
-------------	-------	--

Transfer to the Following Funds - results in increasing of budget

Contribution - Capital Project	5,000	To budget local match for the 2020 Urgent Repair Program (URP2034)
--------------------------------	-------	--

GRANT PROJECT ORDINANCE
NORTH CAROLINA HOUSING FINANCE AGENCY
2020 URGENT REPAIR PROGRAM (URP2034)

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 grant project ordinance number URP2034 is hereby adopted:

Section 1: The project authorized is to provide loans of up to \$10,000 for emergency home repairs which pose an imminent threat to the life or safety of homeowners, to provide accessibility modifications and other repairs necessary to prevent displacement of homeowners with special needs such as the frail elderly and persons with disabilities and make repairs to households with children who have elevated blood lead levels. The household income may not exceed 50% of area median income.

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:

Community Development	\$ 110,000
-----------------------	------------

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

Grant Funds	\$ 100,000
Local Match	\$ 5,000
Contribution Other - Lee County	\$ 5,000

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 federal regulations.

Section 6: Funds may be advanced from the General 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 or 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 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

**CITY OF SANFORD
ASSISTANCE POLICY
FOR THE 2020 CYCLE OF THE
URGENT REPAIR PROGRAM**

EMERGENCY and HEALTH Notifications: Due to the current COVID-19 pandemic, increased awareness of the need to protect City of Sanford/Lee County representatives and the homeowners they serve from various health related exposures has become more apparent than ever. Homeowners participating in URP program must agree to follow all local, state and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

Note: For persons who cannot speak English well or are in need of translation assistance, please contact the Sanford/Lee County Planning and Development Department to utilize their Language Assistance Plan.

What is the Urgent Repair Program? The City of Sanford has been awarded \$100,000 by the North Carolina Housing Finance Agency (“NCHFA”) under the 2020 cycle of the Urgent Repair Program (“URP20”). This program provides funds to assist very-low and low- income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modifications and other repairs necessary to prevent displacement of very-low and low- income homeowners with special needs such as frail elderly and persons with disabilities. A minimum total of 10 households will be assisted under URP20.

This Assistance Policy describes who is eligible to apply for assistance under URP20, how applications for assistance will be rated and ranked, what the form of assistance is and how the repair/modification process will be managed. The City has tried to design this URP20 project to be fair, open, and consistent with the City’s approved application for funding and with NCHFA’s URP Program Guidelines.

The funds provided by NCHFA come from the North Carolina Housing Trust Fund. Additional funds for construction costs are provided by the City of Sanford and County of Lee in the amount of \$10,000. The City has engaged the services of Triangle J Council of Governments to act as the City’s agent in this process and help the City implement this program.

Eligibility: To be eligible for assistance under URP20 applicants

- 1) must reside within the county limits of Lee County and own and occupy the home in need of repair,
- 2) must have a household income which does not exceed 50% of the statewide non metro median income for the household size (see income limits below),
- 3) must have a special need (i.e. be elderly, ≥ 62 years old, handicapped or disabled, a single parent with a dependent living at home, a Veteran, a large family with ≥ 5 household members or a household with a child below the age of six with an elevated blood lead level (between $10\mu\text{g}/\text{dl}$ and $20\mu\text{g}/\text{dl}$)),
- 4) Residents must have all current, local real estate property taxes paid or a pre-approved tax payment plan with the local government, and

- 5) must have urgent repair needs, which can not be met through other state or federally- funded housing assistance programs.

*** URP20 Income Limits for City of Sanford**

Number in Household	30% of Median (very-low income)	50% of Median (low income)
1	\$14,700	\$24,500
2	\$16,800	\$28,000
3	\$18,900	\$31,500
4	\$21,000	\$35,000
5	\$22,700	\$37,800
6	\$24,350	\$40,600
7	\$26,050	\$43,400
8	\$27,700	\$46,200

**Based on NC Housing Trust Fund Statewide Non-Metro income limits with a median family income of \$70,000. Income limits are subject to change based on annually published HUD income limits.*

Marketing the Program: The City will advertise for the program on the City of Sanford's website and local city sponsored cable TV channel. Since the City of Sanford has a history of participation in the Urgent Repair Program, word of mouth has also assisted in marketing the program. Information about the program is available in the Sanford/Lee County Planning Department upon request. In addition, applications will be mailed to all interested persons and/or applicants on the City's rehabilitation waiting list that have not been served in previous programs.

Selection of Applicants: The City has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system applicants will receive points for falling into certain categories of special need and income. The applications will be ranked according to which receive the most points.

Priority Ranking System for City of Sanford's URP20

<i>Special Needs (for definitions, see below)</i>	<i>Points</i>
Not Addressed in Last Round of URP/ESFR Due to Insufficient Funds	4
Veteran, Elderly and/or Disabled Head of Household (62 or older)	4
Veteran, Disabled or Elderly Household Member (not Head of Household)	3
Single-Parent Household (with one or more children in the home)	3
Large Family (5 or more permanent residents)	2
Elevated Blood Lead Level Child	2
Emergency Situation/Seriousness of Imminent Threat to Health and Safety (may submit without regard to application guidelines, case by case basis)	5
<i>Income (See Income Table above)</i>	<i>Points</i>
Less than 30% of County Median Income	10
30% to 50% of County Median Income	5

**In the event of a tie score, preference will be given to the applicant with the lower income.*

Under NCHFA Program Guidelines, a minimum of 50% of households assisted must have incomes which are less than 30% of the area median income for the household size, and no household with an income exceeding 50% of the area median income will be eligible. This guideline will be

adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP20.

Seriousness of imminent threat to health and safety is defined as something that could impact the health or safety of the applicant; such as unsafe electrical, no source of heat, unsafe component in the home that could result in a fall. In some instances, a life or death situation may have already occurred; such as a fallen tree on a roof or a dangerous infestation of vermin. If this occurs the applicant can receive top priority and can be placed in front of other applicants. The seriousness of these threats will be evaluated by the Rehabilitation Specialists.

Recipients of assistance under the URP20 will be chosen by the above criteria without regard to race, creed, sex, color or national origin.

The definitions of special needs' populations under URP20 are:

- *Elderly:* An individual aged 62 or older.
- *Disabled:* A person who has a physical, mental or developmental disability that greatly limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment.
- *Large Family:* A large family household is composed of five or more individuals; at least four are immediate family members.
- *Head of Household:* The person or persons who own(s) the house.
- *Household Member:* Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a "household member" (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Veteran:* A person who served in the active military, naval, or air service, and who was discharged or released therefrom under conditions other than dishonorable. Military is defined as Army, Navy, Air Force, Marine Corps, and Coast Guard; as commissioned officer of the Public Health Service; or as a commissioned officer of the National Oceanic and Atmospheric Administration (NOAA) or its predecessors.
- *Occupant:* An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of the household, regardless of the time of occupancy); or non-immediate family member who has resided in the dwelling at least 3 months prior to the submission of the family's application.
- *Single-Parent Household:* A household in which one and only one adult resides with one or more dependent children.
- *Child with elevated blood lead level:* a child below the age of six with an elevated blood lead level between 10µg/dl and 20µg/dl.
- *Emergency:* Immediate threat of being evicted or removed from a home due to health or safety issues within a time frame that the URP program can complete and repair to stop eviction or removal such as a local agency referral or inquiry requiring immediate attention. Application reviewed at time of need and on case by case basis.

Client Referral and Support Services: The City will screen potential clients on their housing needs and accept referrals from Sanford/Lee County service providers which may include, but not be limited to, Social Services, Public Health, local Sheriff and Police Departments, Brick Capital CDC, Coalition to Improve Quality of Life, Johnston Lee Harnett Community Action, HAVEN of Lee County, Reach Out Crisis Center, and local food pantries.

In the event that a client has not already been made aware of potential benefits that he/she may be eligible to receive; the Project's Client Counselor will make verbal and written referrals as needed and provide printed materials to clients detailing available services. Upon receipt of the formal application from the applicant and after ranking and rating the applications, the Program Administrator will visit the top ranked applicant's home to assess not only the housing need, but other needs as well. The Administrator will ask the applicant and/or family household members of other needs and how and if those needs are being met. If it is determined that other services are needed and the applicant is unable to make contact with the appropriate agency, the Program Administrator will first contact the Lee County Department of Social Services to make a referral. The DSS agency serves as a lead agency for adult protective and family services and economic services (e.g. food stamps, Medicaid, CASP, Work First transportation, and in-home care service).

If there is evidence of child/elder abuse or neglect or situations of immediate danger/threat, the Program Administrator will immediately report the situation to DSS during normal working hours. After hours reports will be made directly to the local Sheriff of Police departments. Households needing financial or emergency assistance will be referred to the DSS, which provides those emergency services.

Referrals to/from other agencies are maintained electronically with income referrals initially acknowledged by email. The Project Administrator will notify the referring agency of any assistance provided to the applicant. For referrals from the City and County, the Project Administrator will initially contact the agency via email to ensure the applicant has been interviewed and again within 60 days to track assistance provided.

What is the form of assistance under URP20? The City will provide assistance to homeowners, whose homes are selected for repair/modification in the form of a loan. Homeowners will receive an unsecured deferred, interest-free loan, forgiven at a rate of \$2,000 per year, until the principal balance is reduced to zero.

What is the amount of the loan? The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the city's rehabilitation specialist. There is no minimum to the amount of the loan; however, the maximum life-time limit per homeowner according to the guidelines of URP20 is \$10,000.

What kinds of work will be done? Only repairs that address imminent threats to the life and/or safety of occupants of the dwelling unit or accessibility modifications will be performed under the city's URP. It should be noted that all deficiencies in a home may not be rectified with the available funds. All work that is completed under URP20 must meet or exceed NC Residential Building Code.

Who will do the work on the homes? The City is obligated under URP20 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the City will invite bids only from contractors who are part of an "approved contractors' registry".

To be on the registry, contractors must (1) fill out an application form, listing several references and recent jobs completed, and (2) receive the "conditional approval" of the City. Once a contractor who has been conditionally approved has successfully completed one job for the City, his or her status is upgraded to "regular approval", meaning that they will be allowed to bid on a regular

rotation as long as they remain in good standing. Homeowners who know of quality rehabilitation contractors that are not on the City's Approved Contractors Registry are welcome to invite them to apply.

Homeowners who know of quality rehabilitation contractors that are not on the approved contractors' registry are welcome to invite them to apply for the registry.

A minimum of three approved contractors will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the City's cost estimate, (c) there is no conflict of interest (real or apparent) and (d) have not been debarred/suspended or are ineligible entities.

This policy incorporates the policies included in the City of Sanford's Procurement and Disbursement Policy for the program provided to all contractors participating in the Urgent Repair Program. A copy of the project's Procurement and Disbursement Policy is attached.

What are the steps in the process, from application to completion? Now that you have the information about how to qualify for the City of Sanford's URP20, what work can be done, and who will do it, let's go through all the major steps in the process:

1. **Completing an application form:** Applications will be accepted on a continuous basis but homeowners who wish to apply for assistance in the first funding cycle must do so by March 31, 2021. Apply by contacting Karen Kennedy, City of Sanford at 919-718-4657 x 5391, 115 Chatham Street, Sanford, NC, 27330. Proof of ownership and income will be required. Those who have applied for housing assistance from the City of Sanford in the past will not automatically be reconsidered. Applications will be mailed to qualified, but unserved applicants of the most previous ESFR and URP programs. However, they must complete a new application form and provide updated income information.
2. **Preliminary Inspection:** The City's Rehabilitation Specialist will visit the homes of potential loan recipients to determine the need and feasibility of repairs/modifications.
3. **Screening of Applicants:** Applications will be rated and ranked by the City based on the priority system outlined on page 2. The households to be assisted will be selected by July 1, 2021, if not sooner. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the ten (10) most qualified applicants will be chosen according to the priority system described above. There will also be a list of three (3) alternates.
4. **Applicant Interviews:** Approved applicants will be provided detailed information on assistance, program repair/modification standards and the contracting procedures associated with their project at this informational interview.
5. **Work Write-Up:** The City's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace, if any. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks and the like. The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost

estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bidding is completed.

6. **Formal Agreement:** After approval of the work write-up, the homeowner will sign a formal agreement that will explain and govern the repair/modification process. This agreement will define the roles of the parties involved throughout the process.
7. **Bidding:** The work write-up and bid documents will be mailed to a minimum of three contractors on the Approved Contractors' Registry who will be given one week in which to inspect the property and prepare bid proposals. The names of the invited contractors will be supplied to the homeowner. Each will need access to those areas of the house, in which work is to be performed, in order to prepare a bid. A bid opening will be conducted at the Community Development office at a specified date and time, with all bidders and the homeowner invited to attend.
8. **Contractor Selection:** Within 24 hours of the bid opening, after review of bid breakdowns and timing factors, the winning bidder will be selected. All bidders and the homeowner will be notified of (1) the selection, (2) the amount, (3) the amount of the City's cost estimate, and (4) if other than the lowest bidder is selected, of the specific reasons for the selection. All contractors are provided a copy of the City of Sanford's Procurement and Disbursement Policy for the project as part of this process.
9. **Execution of Loan and Contract:** The loan will be executed as well as the repair/modification contract. This contract will be between the contractor and the homeowner, with the City signing as an interested third party.
10. **Pre-Construction Conference:** A pre-construction conference will be held at the home. At this time, the homeowner, contractor and program representatives will discuss the details of the work to be done. Starting and ending dates will be agreed upon, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home (such as old plumbing, etc.). Within 24 hours of the pre-construction conference, the City will issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date.
11. **Construction:** The contractor is responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Sanford/Lee County Inspection Officers will inspect new work for compliance with the State Building Code as required by the guidelines of URP20. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable. In addition, homeowners are responsible for allowing access to water and electrical utilities, and responsible for paying bills to the utility companies throughout the process.
12. **Change Orders:** All changes to the scope of work must be reduced to writing as a contract amendment ("change order") and approved by all parties to the contract: the owner, the contractor and two representatives of the City of Sanford. If the changes require an adjustment in the loan amount, a loan modification stating these changes in the contract amount must be completed by the City, and executed by the owner.

- 13. Payments to Contractor:** The contractor will be paid following inspection of and satisfactory completion of all items on the work write-up, as well as, the receipt, by the city, of the contractor's invoice and a release of liens, signed by all any sub-contractors employed on the job and by all material suppliers from whom materials for the job were purchased.
- 14. Post-Construction Conference:** Following construction the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for any new equipment or materials installed and discuss general maintenance of the home with the homeowner. The homeowner will have the opportunity to ask any final questions about the work and the loan.
- 15. Closeout:** Once each item outlined above has been satisfied and the homeowner has signed a Certificate of Satisfaction, the job will be closed out.
- 16. The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner to the City of Sanford Rehabilitation Specialist, or other City of Sanford Community Development representative, as soon as possible via phone or in writing. All bona fide defects in materials and workmanship reported within **one year** of completion of construction will be corrected free of charge by the Contractor. The only exception is when the NCHFA's monitoring visit occurs after the one year has expired. The contractor is expected to address additional work required by NCHFA staff.

What are the key dates? If, after reading this document, you feel that you qualify for this program and wish to apply, please keep the following dates in mind:

- Letters to past URP applicants, as well as more recent interested individuals, to discuss the application intake process will be mailed in late January, 2021, if not sooner.
- All applicants have until March 31, 2021 to ensure all verification forms and related documents are submitted to our office.
- Qualified applicants will be selected by July 1, 2021, if not sooner.
- All rehabilitation work must be under contract by December 31, 2021.
- All rehabilitation work must be completed by February 1, 2022.

How do I request an application? Just contact:

Karen Kennedy, Community Development Manager
Sanford/Lee County Planning & Development Department

Office:

115 Chatham Street (First Floor)
Sanford, NC 27330

Or:

Mail:

PO Box 3729
Sanford, NC 27331

(919) 718-4657 x 5391

Or pick up an application at the Sanford/Lee County Planning Department or Broadway Town Hall.

Is there a procedure for dealing with complaints, disputes and appeals? Although the application process and repair/modification guidelines are meant to be as fair as possible, the City of Sanford realizes that there is still a chance that some applicants or participants may feel that they are not treated fairly. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

1. If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact Community Development Manager Karen Kennedy within five days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing.
2. A written appeal must be made within 10 business days of the initial decision on an application.
3. The City of Sanford will respond in writing to any complaints or appeals within 10 business days of receiving written comments.

During the repair/modification process:

1. If the homeowner feels that repairs or modifications are not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.
2. The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to remedy the problem.
3. If problems persist, the homeowner must put the concern in writing and a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the City's Community Development Manager or Planning and Development Director.
4. Should the mediation conference fail to resolve the dispute, the Community Development Director will render a written final decision.
5. If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

Will the personal information provided remain confidential? Yes. All information in applicant files will remain confidential. Access to the information will be provided only to City employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.

What about conflicts of interest? No officer, employee or other public official of the City, or member of the City Council, or entity contracting with the city, who exercises any functions or responsibilities with respect to URP20 shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of City employees, Council Members and others closely identified with the City, may be approved for rehabilitation assistance only upon public disclosure before the City of Sanford Council and written permission from NCHFA.

What about favoritism? All activities under URP20, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

Who can I contact about the URP20 program? Any questions regarding any part of this application or program should be addressed to:

Karen Kennedy, CD Manager
City of Sanford
115 Chatham Street
Buggy Building (First Floor)
Sanford, NC 27330
Phone (919) 718-4657 x 5391
karen.kennedy@sanfordnc.net

This Assistance Policy is adopted this 1st day of September, 2020.

Hal Hegwer, City Manager

ATTEST:

Bonnie Davis, City Clerk

**CITY OF SANFORD
PROCUREMENT AND DISBURSEMENT POLICY
2020 URGENT REPAIR PROGRAM**

EMERGENCY and HEALTH Notifications: Due to the current COVID-19 pandemic, increased awareness of the need to protect City of Sanford/Lee County representatives, project contractors and the homeowners they serve from various health related exposures has become more apparent than ever. Contractors and homeowners participating in the URP program must agree to follow all local, state and federal guidelines for emergency preparedness surrounding the COVID-19 pandemic and any other emergency declared that includes their property address for the duration of construction on the property.

PROCUREMENT POLICY

1. To the maximum extent practical, the City of Sanford (the City) promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency's Urgent Repair Program (URP). Bids are invited from Contractors who are part of the City's approved contractor registry. (To be on the registry, a contractor must complete an application, have their recent work inspected, reviewed and approved by the Rehabilitation Specialist and submit proof of insurance.) Any contractor listed with and approved by the City and in good standing will receive automatic approval status on the contractor registry.
2. At least three eligible contractors on the City's approved contractor registry shall be invited to bid on each job and the lowest responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means (a) the contractor is deemed able to complete the work in a timely fashion, (b) the bid is within 15%, in either direction, of the City's cost estimate, (c) there is no conflict of interest (real or apparent) (d) have not been debarred/suspended or are ineligible entities and (e) past performance with the city's housing rehabilitation projects has been successful. The same process applies to phone bids if utilized.
3. Although bid packages may be bundled for multiple job sites, the bids for multiple job sites shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site.
4. Bid packages shall consist of an invitation to bid, work write up(s) and bid sheet(s) for each job.
5. Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Discrepancies must be reconciled prior to a contract being awarded.
6. Any change to the original scope of work must be reduced to writing in the form of a change order to be agreed upon and signed by all parties to the original contract and two representatives of the City. The change order must also detail any changes to the original contract price.
7. No work may begin prior to a contract being awarded and a written order to proceed provided to the contractor. In addition, a pre-construction

- conference and “walk thru” shall be held at the work site prior to commencement of repair work.
8. The City reserves the right to reject any or all bids at any time during the procurement process.
 9. In the event of a true emergency situation, the City reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking telephone quotes, faxed bids and the like. Should such methods ever become necessary the transaction will be fully documented.
 10. All sealed bids will be opened publicly at a time and place to be announced in the bid invitation. All bidders are welcome to attend.
 11. The City of Sanford is an equal opportunity employer, implements non-discriminatory practices in its procurement and disbursement and will make special outreach efforts to include minority and women business enterprise businesses within its contractor and subcontractor pool.

DISBURSEMENT POLICY

1. All repair work must be inspected by (a) the City’s Rehabilitation Specialist, and (b) the homeowner prior to any payments to contractors. If all work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original invoice from the contractor. Contractor should allow 21 business days for processing of the invoice for payment.
2. If any of the work is deemed unsatisfactory, it must be corrected prior to authorization of payment. If the contractor fails to correct the work to the satisfaction of the City’s Rehabilitation Specialist, payment may be withheld until such time the work is satisfactory. Contractors may follow the City’s Urgent Repair Program Assistance Policy if a dispute occurs; however, contractors shall abide by the final decision as stated in the policy.
3. The City assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.
4. All contractors, sub-contractors and suppliers must sign a lien waiver prior to disbursement of funds.

The City of Sanford is an equal opportunity employer, implements non-discriminatory practices in its procurement and disbursement and encourages participation from Minority/Women Business Enterprises.

The Procurement and Disbursement Policies are adopted this 1st day of September, 2020.

CITY OF SANFORD

Hal Hegwer, City Manager

ATTEST:

Bonnie Davis, City Clerk

CONTRACTORS STATEMENT:

I have read and understand the attached Procurement and Disbursement Policy.

BY: _____

COMPANY NAME: _____

WITNESS: _____

**NORTH CAROLINA
CITY OF SANFORD**

AGREEMENT FOR SERVICES

THIS AGREEMENT FOR SERVICES (this “Agreement”), made and entered into this 1st day of September 2020, by and between City of Sanford, a local unit of government of North Carolina, (hereinafter referred to as the “City”), and Triangle J Council of Governments, Administration Consultant hereinafter referred to as “Consultant”).

WHEREAS, the Consultant, has agreed to provide services in a professional manner in accordance with the standards of Consultant’s industry and as hereinafter set forth; and

WHEREAS, the City wishes to enter into an Agreement with Consultant to provide the services specified in Exhibit A, Scope of Services, attached hereto and incorporated herein by reference.

NOW THEREFORE, in consideration of the mutual agreements described below, the parties agree as follows:

1. **Project Name:** 2020 North Carolina Housing Finance Agency Urgent Repair Program
2. **Terms of Agreement:** The initial term of this Agreement shall commence on **September 1, 2020**, and end upon the completion of the 2020 North Carolina Housing Finance Agency (“NCHFA”) Urgent Repair Program project. More specific dates will be outlined in the Funding Agreement.
3. **Scope of Service:** The Consultant shall provide to the City the Services (the “Services”) set forth in the “Scope of Services” attached hereto as Exhibit A, which is incorporated herein and made an integral part of the Agreement.
4. **Compensation:** As compensation for the services to be provided by Consultant, the City shall pay the Consultant an amount not to exceed **\$10,000** payable within the time frame to implement the project. The Consultant will bill on a monthly basis, or as otherwise set forth in Exhibit A of this Agreement.
5. **TERMINATION OF CONTRACT FOR CAUSE:** If, for any reason, the Consultant shall fail to fulfill in a timely, professional and proper manner all obligations under this contract, or should the Consultant violate any of the covenants, agreements, or stipulations of this contract, the City shall have the right to terminate this contract immediately by giving and specifying the effective date thereof at least twenty (20) days before the effective date of such termination. In such event, all finished or unfinished documents, data studied, surveys, drawings, maps, models, photographs and reports prepared by the Consultant under this contract shall, at the option of the City shall become the property of the City and the Consultant shall be entitled to receive just and equitable compensation for any work satisfactorily completed pursuant to this contract. However, the City shall not be obligated to pay any remaining charges for work satisfactorily completed where there exists a right in favor of the City for refund, reimbursement or offset in connection with any obligation arising from the Consultant to the City. The Consultant may terminate this contract by giving the City forty-five (45) days written notice. In such an event the previous paragraph hereto relative to termination shall apply.
6. **LEGAL REMEDIES:** The Consultant shall not be relieved of any liability to the City for damages sustained by the City by virtue of any breach of contract by the Consultant. It is specifically

understood that the City may withhold any payments to the Consultant for the purpose of offset until such time as the exact amount of damages due to the City from the Consultant is determined.

7. ACCESS TO RECORDS: The Consultant shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the City to assure proper accounting for all project funds, both available for audit purposes to the City or any duly authorized representative of the City and North Carolina Housing Finance Agency or any of their duly authorized representatives. Such records will be retained for a period of five (5) years after the expiration of this contract.

8. EQUAL EMPLOYMENT OPPORTUNITY: The Consultant shall not discriminate against any employee, applicant for employment or program participant in regards to race, color, national origin, sex, handicap or age. No one will be denied participation in or the benefits of City of Sanford's NCHFA Urgent Repair Program due to race, color, national origin, sex, age or handicap.

9. CONFLICT OF INTEREST: The Consultant covenant and agree that they presently have no interest and shall not acquire any interest, direct or indirect, in the construction project or any other interest which would conflict in any manner or degree with the performance of this contract. Furthermore, no person having any such interest shall be employed by or have any other business connection with the Consultant. No elected or appointed official of the City nor any of its employees shall participate in any decision relating to this contract which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested; nor shall any member, officer, agent or employee of the City have any interest direct or indirect in this contract of the proceeds thereof.

10. "SECTION 3"- COMPLIANCE IN THE PROVISION OF TRAINING, EMPLOYMENT, AND BUSINESS OPPORTUNITIES

- a. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development (HUD) and is subject to the requirements of Section 3 of the HUD Act of 1968, as amended, 12 U.S.C. 1701u> Section 3 requires that to the greatest extent feasible opportunities for training and employment be given lower income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in the area of the project.
- b. The parties to this contract will comply with the provisions of said Section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, and all applicable rules and order of the Department issued there under prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability, which would prevent them from complying with these requirements.

- c. The Consultant will send to each labor organization or representative of worker with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers representative of his commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment and training.
- d. The Consultant will include this Section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon finding that it is in violation of regulations issued by the Secretary of HUD, 24 CFR Part 135. The Consultant will not subcontract with any subcontract where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135 and will not let any subcontract unless the subcontract has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.
- e. Compliance with the provisions of Section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued there under prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its Consultants and subcontract, its successors or assigns to those sanctions specified by the grant or loan agreement of contract through which Federal assistance by 24 CFR Part 135.

11. LOBBYING:

- a. No Federal appropriated funds will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering of any Federal grant, the making of any Federal loan, the entering into of any cooperative, agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or a employee of a Member of Congress in connection with the Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form –LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions.

12. EXECUTIVE ORDER 11246 CLAUSE:

During the performance of this contract, the Consultant agrees as follows:

- a. The Consultant will not discriminate against any employees or applicant for employment because of race, color, religion, sex or natural origin. The Consultant will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or natural origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The Consultant agrees to post in a conspicuous place, available to employees and applicants for employment, notice to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

- b. The Consultant will not discriminate in all solicitations or advertisements for employee's place by or on behalf of the Consultant, state that all qualified applicants will receive consideration for employment without regard to race, color religion, sex or natural origin.
- c. The Consultant will send each labor union or representative or workers with which he has collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Consultant's commitments, under section 202 of Executive Order 11246 of September 24, 1965, and of the rules, regulations and relevant orders of the Secretary of Labor.
- d. The Consultant will comply with all provisions of Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor.
- e. The Consultant will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purpose of investigation to ascertain compliance with such rules, regulations and orders.
- f. In the event of the Consultant's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Consultant may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order no 11246 of September 24, 1965, or Labor, or as otherwise provided by law.
- g. The Consultant will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions including sanctions for noncompliance provided however, that in the event the contract becomes involved in, or threatened with, litigation with a subcontractor or vendor as result or such direction by the contracting agency, the may request the United States to the enter into such litigation to protect the interest of the United States.

13. **NONDISCRIMINATION OF THE BASIS OF HANDICAP:** No qualified handicapped person shall, on the basis of handicap be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination benefits of, or otherwise be subjected to the discrimination under any program or activity which receives or benefits from Federal Financial assistance.

14. **DEBARMENT AND SUSPENSION:** The Consultant will ensure that any contract awards are not made to parties listed on the government-wide in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3CFR part 1986 Comp., p. 129) and 12689 (3CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM exclusions contain the names of parties debarred, suspended or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

15. **CHANGES AND MODIFICATIONS TO CONTRACT:** The Consultant will ensure that the cost of the change, modification, change order, or constructive change to contracts for this program must be allowable, allocable, within the scope of the grant agreement and reasonable for the completion of project scope. Changes can be made by either party to alter the method, price, or schedule of work, without breaching the contract by submitting a request for change order to the Community Development Manager.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written.

CITY OF SANFORD

CITY MANAGER, HAL HEGWER

BONNIE D. DAVIS, CITY CLERK

TRIANGLE J COUNCIL OF GOVERNMENTS, CONSULTANT

EXECUTIVE DIRECTOR, LEE WORSLEY

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

City of Sanford Finance Officer

**EXHIBIT A
STATE OF NORTH CAROLINA
CITY OF SANFORD**

**SCOPE OF SERVICES FOR THE NCHFA 2020 URGENT REPAIR PROGRAM
CITY OF SANFORD/TRIANGLE J COUNCIL OF GOVERNMENTS**

THIS AGREEMENT, made and entered into this 1st day of September, by and between the City of Sanford, a local unit of government of North Carolina (hereinafter called “the City”) and Triangle J Council of Governments, Administration Consultant, (hereinafter called “the Consultant”).

WHEREAS, the agreement between the City of Sanford and the Consultant is for administrative services provided for the City of Sanford 2020 North Carolina Housing Finance Agency (NCHFA) Urgent Repair Program.

WHEREAS, the City has received \$100,000 through the 2020 NCHFA Urgent Repair Program and committed a local match of \$10,000 from the City of Sanford and Lee County for the project.

NOW THEREFORE, the City and the Consultant, Triangle J Council of Governments, agrees as follows:

1. **SCOPE OF SERVICES:** The Consultant agrees to provide on behalf of the City the services necessary to implement and complete the 2020 NCHFA Urgent Repair Program. Implementation and rehabilitation activities will be administered and implemented following the guidelines described in the Administrator and Inspectors Manual prepared by NCHFA, the City of Sanford Assistance Policy and Procurement and Disbursement Policy adopted by the City for the NCHFA 2020 Urgent Repair Program and any other pertinent requirements received from NCHFA.
2. **COMPENSATION OF SERVICES:** In the provision of the aforementioned services, the Consultant shall receive compensation for the Urgent Repair program on a unit-by-unit basis which is outlined in the Urgent Repair Program Manual and is described below. Based on the below formula the compensation would be at a rate not to exceed **\$10,000** for the Program Support for the entire project.

URP 2020 HARD COSTS (Construction Cost)	MAXIMUM PROGRAM SUPPORT (Administration Cost)
From \$501 to \$10,000	\$200 + 10% of the Hard Cost Not to Exceed \$1,000
Up to \$500	\$200

CONTRACT AGREEMENT
BY AND BETWEEN The City of Sanford AND
Partners for Impact, LLC

This agreement, to commence on July 1, 2020 and end on June 30, 2021, is entered into by the City of Sanford (hereinafter the "AGENCY") and Partners for Impact, LLC (hereinafter the "CONTRACTOR").

RECITALS

WHEREAS AGENCY is in need of assistance in building the capacity of *S3 Housing Connect* in order to connect those experiencing homelessness with the resources available to them, and to fill the gaps in services and supports for the homeless and CONTRACTOR has agreed to provide such assistance.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, AGENCY and CONTRACTOR hereby agree as follows:

ARTICLE I - ENGAGEMENT

AGENCY hereby engages CONTRACTOR to provide such services as the AGENCY may request from time to time during the term of this agreement on the terms and conditions set forth herein. The CONTRACTOR may assign services to be completed in part or in whole to one or more subcontractors (SUBCONTRACTORS).

The scope of work for this engagement includes, but is not limited to, the following:

- Providing technical assistance and support to the organizations who are part of *S3 Housing Connect* by improving their governance structures, supporting quality program design and evaluation activities, developing organizational leaders, and preparing them to apply for federal, state, and local government funding, corporate funding, and foundation funding;
- Assisting S3 members in understanding both best practices associated with ending and preventing homelessness and the potential revenue streams available for those practices;
- Improving the internal and external communication activities that improve the awareness of S3;
- Providing technical assistance and support to the S3 committees through the development and implementation of annual work plans, assisting committee leadership with prioritization of activities, and executing tasks as requested;
- Supporting City of Sanford staff in their leadership roles of S3; and
- Supporting and providing guidance and technical assistance to the volunteer leadership of S3 by assisting in leadership transitions and development, and building a strong membership base.

ARTICLE II - RELATIONSHIP OF PARTIES

A. Independent CONTRACTOR. The CONTRACTOR (including any SUBCONTRACTORS) is an independent CONTRACTOR and not an associate of the AGENCY, and this agreement does not establish a partnership, joint venture or agency between the parties.

B. Non-exclusive arrangement. AGENCY has the right to enter into agreements with any other agency or professional organization cooperating in the conduct of the AGENCY'S business. The CONTRACTOR shall have the right to enter into any other agreements with any other party to provide any other services.

ARTICLE III - RESPONSIBILITIES OF THE CONTRACTOR AND AGENCY

A. RESPONSIBILITIES OF THE CONTRACTOR:

1. CONTRACTOR agrees to complete all work in a timely, workmanlike, and professional manner according to the industry standard.
2. CONTRACTOR agrees to properly prepare and forward, on a timely basis, any and all forms, reports, etc., as may be agreed to by AGENCY and CONTRACTOR relative to disbursing funds to the CONTRACTOR under the terms of this agreement.
3. CONTRACTOR, including all SUBCONTRACTORS, agree to comply with all confidentiality laws/regulations with regard to the protection of information according to standards set forth by the AGENCY.

B. RESPONSIBILITIES OF THE AGENCY:

AGENCY agrees to provide information and direction to CONTRACTOR as needed regarding requirements related to the terms of this agreement.

C. RESPONSIBILITIES OF BOTH THE CONTRACTOR AND THE AGENCY:

1. CONTRACTOR and AGENCY agree to share appropriate confidential and other information as applicable to services provided under this agreement.
2. Modification. This agreement may only be modified in writing executed and signed by both parties.

ARTICLE IV - COMPENSATION

A. AGENCY agrees to pay CONTRACTOR for services rendered under terms of this agreement.

B. CONTRACTOR shall prepare a monthly statement for reimbursement detailing the services provided under this agreement. Such statement shall include at least the dates worked, services provided, tax identification number and the amount due by number of hours and hourly rate of \$95.00

per hour with a not to exceed amount of \$15,000. Payment shall be made within 30 days of receipt of this statement.

ARTICLE V-SUSPENSION OR TERMINATION

This agreement may be terminated or suspended by mutual consent of both parties at any time or 30 days after either party provides written notice of intent to terminate. However, both parties agree that each will be entitled to rescind or terminate this agreement without notice immediately upon a violation of the terms and provisions of this agreement by the other party.

ARTICLE VI - PROPRIETARY MATERIAL

The CONTRACTOR will maintain proprietary ownership and may copy, write, sell, or otherwise profit from any survey instruments and other tools developed by the CONTRACTOR through this project. The AGENCY will have unlimited rights to the use of such tools for their organizational purposes including the ability to adapt tools to new situations and to disclose content as required by public record law. The AGENCY, however, may not sell or give these tools to other organizations without written consent from the CONTRACTOR and acknowledgement shall be given to the CONTRACTOR in all publications of such materials, tools or reports.

ARTICLE VII - INSURANCE REQUIREMENTS

The CONSULTANT shall obtain, at its sole expense, professional liability insurance applicable to any professional services provided under this Contract with limits of no less than \$1,000,000 per claim and \$1,000,000 aggregate. Certification of insurance may be required by the AGENCY prior to commencement of work. If any required insurance policy expires during the term of this agreement, the CONSULTANT must provide a certificate of insurance to the AGENCY as evidence of policy renewal prior to such policy expiration.

ARTICLE VIII - MISCELLANEOUS

- A. Choice of Law/Forum. This agreement is executed in the State of North Carolina and shall be governed by and interpreted in accordance with the laws of the State of North Carolina. The venue for all legal actions upon this agreement shall be in the State Courts of Lee County.
- B. Obligations. In the event that Federal and State laws should be amended or judicially interpreted so as to render the fulfillment of this agreement on the part of either party unfeasible or impossible, both the CONTRACTOR and the AGENCY shall be discharged from further obligation under the terms of this agreement, except for equitable settlement of the respective debts up to the date of termination.
- C. Waiver. The failure of either party to enforce at any time or for any period of time the provisions hereof in accordance with its terms shall not be construed to be a waiver of such provisions or of the right of such party thereafter to enforce each and every provision. To be enforceable, a waiver must be in writing and signed by the party against whom the waiver is to be enforced.

D. Counterparts. The agreement shall be executed in two counterparts, each of which will be deemed an original.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be signed by their respective representatives and duly attested, the day, the month, and year first above written.

Pay Frequency: Within 30 days of invoicing.

Begin Date: July 1, 2020 End Date: June 30, 2021

CONTRACTOR Tax ID: 81-2593855

CONTRACTOR Mailing Address: 1044 Branch Line Lane, Apex, NC 27502

CONTRACTOR Principal Consultant: Beth Bordeaux, MSW

CONTRACTOR Telephone: 919-612-6624

CONTRACTOR E-mail Address: beth@partnersforimpact.com

Assigned Senior Advisor: Stan Holt, PhD

Senior Advisor Telephone: 919-475-3857

Senior Advisor E-mail Address: stan@partnersforimpact.com

Signatures for CONTRACTOR:

Beth Bordeaux, MSW, Principal Consultant

Date: _____

Signatures for AGENCY:

CITY OF SANFORD

T. Chet Mann, Mayor

Date: _____

ATTEST

Bonnie Davis, City Clerk

Date: _____

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

City of Sanford Finance Officer

Date: _____

AGENCY Mailing Address:

PO Box 3729, Sanford, NC 27331

AGENCY Primary Contact:

Karen Kennedy, Community Development Manager

AGENCY Contact Telephone 919-718-4657 x 5391

AGENCY Contact Email Address: karen.kennedy@sanfordnc.net



P.O. Box 3729
Sanford, NC 27331-3729

(919) 777-1105
FAX: (919) 718-6569
Email: susan.patterson@sanfordnc.net

City of Sanford

Susan C. Patterson
City Attorney

MEMORANDUM

TO: Mayor and Council Members

FROM: Susan C. Patterson *SCP*
City Attorney

DATE: September 1, 2020

SUBJECT: 504 Wall Street, PIN 9642-68-5321-00

The City and County jointly own the property located at 504 Wall Street, Sanford, NC, by virtue of a Commissioner's Deed recorded in Deed Book 1324, Page 715, due to a tax foreclosure. Marie King-Cutler has offered \$1,000 to purchase this property. Because Lee County collects our taxes for the City, Lee County proposes to sell this property through the offer, advertisement and upset bid process. In order to allow Lee County to sell this property on our behalf, the City will need to deed its interest to Lee County, so they may execute a deed to the purchaser.

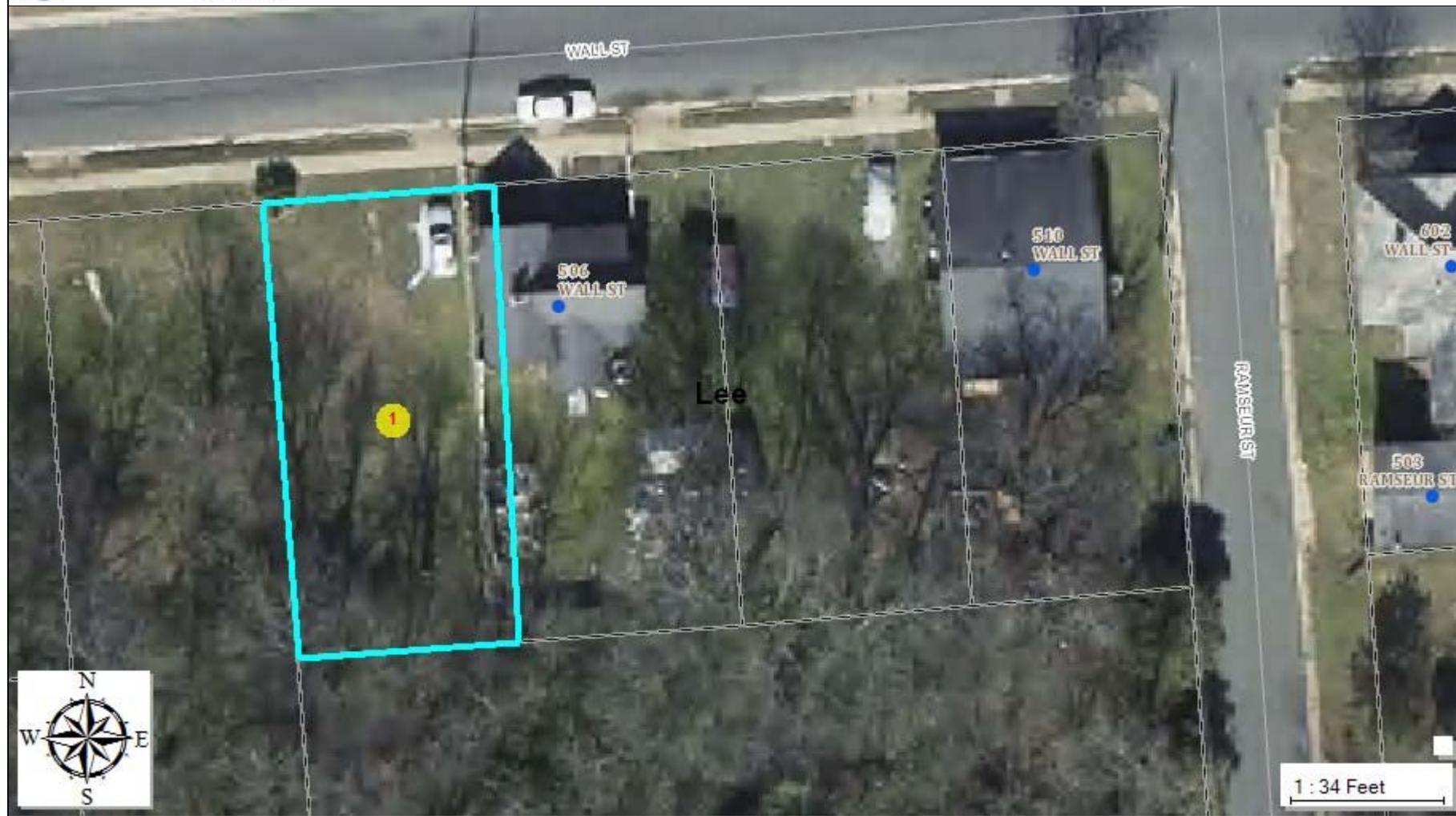
Attached to this memo are maps of the property, a resolution authorizing the sale of the property to Lee County, and a copy of the deed to Lee County. Council will need to pass the resolution and authorize the Mayor and Clerk to sign the deed. Lee County will then credit the city with our share of the \$1,000 purchase price. The tax value of the property is \$2,200. The County and City incurred tax foreclosure costs of \$1,898.31. The County Commissioners accepted the bid on Monday, August 17, 2020, to place it back on the tax rolls and recoup the foreclosure costs, subject, of course, to approval by the City Council.

Enclosures

SCP:stm



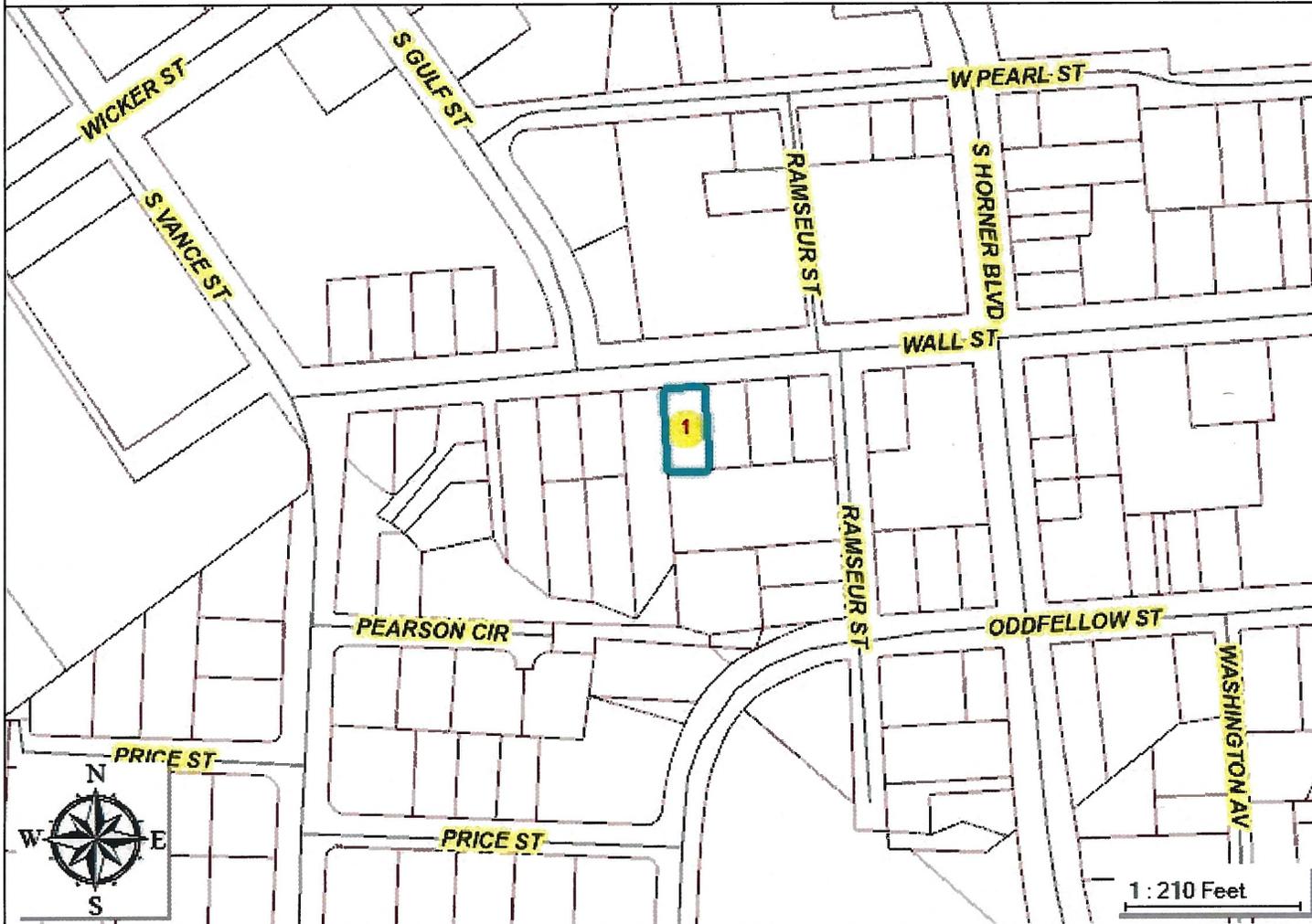
Sanford
Printed August 27, 2020
See Below for Disclaimer



City of Sanford Site. Data contained within this site is for reference purposes only and is subject to Change.



Lee2
Printed August 24, 2020
See Below for Disclaimer



- Parcels
- Streets
- Railroad

This site is prepared for the inventory of real property found within this jurisdiction and is compiled from recorded deeds, plats and other public records and data. Users of this site are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this site. The County of Lee and Dude Solutions, Inc. assume no legal responsibility for the information contained on this site. Please be advised that you must contact the Lee County Tax Office for accurate tax values. Please contact the Lee County Appraisal Department if any building information is incorrect. The map, layer, data and website (collectively known as "the layer") are for graphical and illustration purposes only. The Lee County Strategic Services Department (hereinafter "the Department") provides the layer and the information contained within to the general public and has not customized the information for any specific or general purpose. Such information was generated from data maintained by different sources and agencies and as such, some limitations may apply based upon restrictions imposed by other sources or agencies supplying data to Lee County (hereinafter "the County"). While the Department strives to make the information on the GIS website as timely, reliable and accurate as possible, neither the Department nor the County local governments make any claims, promises, or guarantees about the accuracy, completeness or adequacy of the contents of the layer. Areas depicted are approximate and are not necessarily accurate to mapping, surveying or engineering standards. The County expressly disclaims liability for errors and omissions in the contents of this site and layer. No warranty of any type, implied, expressed, statutory, UCC or otherwise, including, but not limited to, the warranties of non-infringement of third party rights, title, accuracy of data, merchantability, or fitness for a particular purpose, is given with respect to the substantive content of this layer or its use in private or commercial financial transactions. The fact of distribution of the layer does not constitute any warranty, express, implied or otherwise. The user assumes the entire risk related to the use of this data. If the user intends to make any legal or financial decision based on this data, the user should

RESOLUTION AUTHORIZING THE SALE OF
504 WALL STREET, PIN NUMBER 9642-68-5321-00 TO LEE COUNTY

WHEREAS, the County of Lee and the City of Sanford acquired title to property located at 504 Wall Street, Sanford, NC, having PIN number 9642-68-5321-00, by deed recorded in Book 1324 Page 715 in the Office of the Register of Deeds for Lee County which property is more particularly described as follows:

Being Lot Number 37 in Plot of said Bland Land property, which is recorded in the office of the Register of Deeds of Lee County in Plat Cabinet 2 Slide 8, and having PIN number 9642-68-5321-00.

SUBJECT TO restrictive covenants and easements of record, if any.

WHEREAS, the County of Lee has a contract with the City of Sanford to collect its taxes; and

WHEREAS, the County of Lee proposes to dispose of the property on behalf of the County of Lee and the City of Sanford as it is surplus to our needs; and,

WHEREAS, to facilitate the sale of this property, the City of Sanford, by authority given in NCGS 160A-274, may upon such terms and conditions as it deems wise, with or without consideration, sell to any other governmental unit any interest in real or personal property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford as follows:

1. The property located at 504 Wall Street, having PIN number 9642-68-5321-00, as described above, is hereby declared surplus to the needs of the City of Sanford.
2. That the Mayor and Clerk are hereby authorized to execute a deed to Lee County so that the property may be sold by Lee County to a purchaser through the offer, advertisement, and upset bid procedure.
3. That, in accordance with the contract with Lee County for the collection of taxes, the City of Sanford accepts one-half of the sales price acquired by Lee County, after expenses, as its share of the sales price of this lot.

Adopted this the 1st day of September, 2020.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

N.C. Gen. Stat. Section 105-228.28
 Excludes conveyances by a
 Governmental unit from the
 Excise Stamp Tax

WARRANTY DEED

Mail after recording to Lee County, P. O. Box 1968, Sanford, N.C. 27331

This instrument was prepared by: Susan C. Patterson, City Attorney, P.O. Box 3729,
 Sanford, NC 27331-3729

Brief Description for Index: 504 Wall Street; PIN 9642-68-5321-00

STATE OF NORTH CAROLINA

DEED

COUNTY OF LEE

THIS DEED, made this 1st day of September, 2020, by and between the City of Sanford, N.C., a North Carolina municipal corporation (hereinafter referred to as "Grantor") and the County of Lee, a governmental unit of the State of North Carolina (hereinafter referred to as "Grantee"), whose address is P. O. Box 1968, Sanford, N.C. 27331.

WITNESSETH:

WHEREAS, the Grantors and Grantees have an interest in the property located at 504 Wall Street, Sanford, N.C. 27330, having acquired it by Deed recorded in the Office of the Register of Deeds of Lee County in Book 1324 Page 715 as a result of a tax foreclosure; and

WHEREAS, the property is surplus to the needs of Grantor; and

WHEREAS, the Grantors have a contract with the Grantees for the Grantees to collect their taxes; and

WHEREAS, the Grantees desire to dispose of this property on behalf of the Grantors to recoup some of the costs incurred in collecting taxes and propose to sell the property to a third party and will divide the proceeds of sale with Grantor; and

WHEREAS, North Carolina General Statutes §160A-274 authorizes a government unit, upon such terms and conditions as it deems wise, to sell to any other governmental unit any interest in real or personal property.

NOW, THEREFORE, the Grantor, in consideration of the sum of One (\$1.00) Dollar and other valuable consideration to them paid, the receipt and sufficiency of which is hereby acknowledged, have bargained and sold, and by these presents does bargain, sell, and covey unto the said Grantee, its successors and assigns, a tract or parcel of land in the City of Sanford, West Sanford Township, Lee County, North Carolina, and bounded as follows:

Being Lot Number 37 in Plot of said Bland Land property, which is recorded in the office of the Register of Deeds of Lee County in Plat Cabinet 2 Slide 8, and having PIN Number 9642-68-5321-00.

SUBJECT TO restrictive covenants and easements of record, if any.

The said subject property is not the primary residence of the Grantor.

TO HAVE AND TO HOLD, the aforesaid tract or parcel of land and all privileges and appurtenances thereunto belonging to the said Grantee and its successors and assigns forever.

And the said Grantor does covenant that it is seized of said premises in fee and has the right to convey the same in fee simple; that the same are free from encumbrances; and that they will warrant and defend the said title to the same against the lawful claims of all persons claiming by, under, or through Grantor.

IN WITNESS WHEREOF, the Grantor have caused this instrument to be signed in its corporate name by its duly authorized officers and their seals to be hereunto affixed all by authority of its governing board, the day and year first above written.

CITY OF SANFORD

By: _____
T. Chet Mann, Mayor

Attest:

Bonnie Davis, City Clerk

STATE OF NORTH CAROLINA
COUNTY OF LEE

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 it Clerk.

Witness my hand and stamp and seal, this _____ day of September, 2020.

_____(SEAL)
Notary Public

My commission expires: _____



MEMORANDUM

TO: Sanford City Council
Hal Hegwer, City Manager

FROM: Marshall Downey, Planning and Development Director

DATE: September 1, 2020

REF: Consideration of Racial Equity Initiative for the City of Sanford

As you are aware, staff has engaged Hannah Gill of UNC's Building Integrated Communities program to assist with a new racial equity initiative for Sanford. With the past success of the BIC program to engage our Latino population, we have once again partnered with Dr. Gill and her team to draft a long term plan of how the City can move forward to bring together local residents via creation of a task force that would serve to assess racial and ethnic disparities in Sanford and Lee County. This task force would then consider equity strategies and expert recommendations to develop a plan for the City of Sanford. Below is a more detailed breakdown of this initial plan strategy as well as estimated costs associated with each component as recommended by Dr. Gill.

Racial Equity Task Force

- Create a task force to guide the initiative. The task force will be comprised primarily but not limited to the Sanford and Lee County residents from sectors of Education, Justice, Healthcare, Employment/Income, Banking Institution, Real Estate, Social Services, Faith-Based Community, and Civil Society/Nonprofit organizations who represent racial, ethnic, income, and other diversity.
- Members of the task force may be appointed by City Council through nomination or via an application process. Dr. Gill suggests a seventeen-member task force.
 - Proposed budget includes funding for stipends of \$500 for each of the seventeen task force members for a total cost of \$8,500.

Consultant assistance

- Retain up to three consultants, who will review local data and relevant information, meet twice with the task force, and provide recommendations and best practices.
 - Proposed budget includes \$500 honorarium for each of three consultants for a total cost of up to \$1500.

Local Facilitator

- Proposal also includes use of a local facilitator who would lead meetings (with support from a Building Integrated Communities staff co-facilitator), vet agendas, and present the final report to Council. The Local Facilitator must have relevant expertise and personal connections to African American and local Communities of Color.
 - Proposed budget includes funding for a local resident to co-facilitate an estimated 12 online and/or physical meetings over a one-year period. Meetings will be an estimated 1.5 to 2 hours in duration. The total proposed cost for the Local Facilitator is \$2,400.

Building Integrated Communities Staff Support

- Assist with task force meeting: Two staff members of the Building Integrated Communities (BIC) initiative at the Institute for the Study of the Americas at UNC Chapel Hill (including the BIC Director, Dr. Hannah Gill) will support the Local Facilitator in meetings by creating agendas, taking notes, attendance, and providing technical support.
 - Proposed budget for BIC meeting support is \$4,800 (12 meetings @ \$200/meeting for two BIC staff).
- Research and data collection: The BIC staff will also conduct research and data collection to analyze law enforcement, city, and other data as needed to inform the Task Force members. The BIC staff will communicate with City of Sanford staff to provide updates about progress.
 - The proposed cost for these activities is \$3,920, based on an estimated 140 hours/work @ \$28/hour.
- Task Force Final Report and Recommendations: In the final phase of the initiative, BIC staff will write up an Executive summary and report with task force recommendations (also translated into Spanish).
 - The proposed cost of these activities is \$3,864, based on an estimated 138 hours/work @ \$28/hour.

In terms of timeline, Dr. Gill has suggested a target start date of October 1, 2020 with the task force completing its work by the end of September 2021 – in one year. The total budget for this one-year project is estimated at \$24,984.

PLEASE NOTE: We are also applying for a possible grant opportunity that can ***potentially*** help cover funding.

In early August of this year, Duke announced a new \$750,000 grant program through the Duke Energy Foundation available for North Carolina nonprofit organizations (including municipalities) working for social justice and racial equity. Duke further clarified that up to \$25,000 in grant funds would be awarded for each applicant who was selected. The deadline for submission of this grant was August 31st. As such, staff under direction of Mr. Hegwer, worked with Dr. Gill to go ahead and submit the grant application to meet the aforementioned deadline. The specific timeline for awarding of the grants have not been released by Duke officials, however, staff conversations with Duke officials suggests awards are likely in late fall of this year.

Sanford Racial Equity Initiative Budget

October 1, 2020-September 30, 2021

<u>Item/Activity</u>	<u>Cost</u>	<u>Description of Services</u>	<u>Notes</u>
Task Force Participant Stipends	\$ 8,500	17 members @ \$500/each	Local residents apply to become participants
Consultant stipends		Review local data, meet twice with the Task Force, and provide recommendations and best practices	
Dr. McKay	\$ 500		
Dr. Darity	\$ 500		
TBD	\$ 500		
Local Facilitator	\$ 2,400	12 meetings (1.5 hours) @ \$200/meeting	Lead meetings with support from BIC co-facilitator, vet agendas, present report to Council
Building Integrated Communities			
Meeting support and record keeping	\$ 4,800	12 meetings (1.5 hours) @ \$200/meeting @ 2 BIC staff	Support Local Facilitator in meetings, create agendas, take notes, take attendance and provide technical support
Research and data collection	\$ 3,920	Analysis of law enforcement, city, and other data as needed	Based on an estimated 140 hours/work @ \$28/hour
Report write-up	\$ 3,864	Executive summary and ~50 page report with Task Force Recommendations	Based on an estimated 138 hours/work @ \$28/hour
		Translation of materials into Spanish	
Total	\$ 24,984		

**AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2020-21**

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 2020-22 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 2020-2021.

**GENERAL FUND
TRANSFER OF FUNDS**

Transfer from the Following Accounts:

10016650 69900 Contingency 25,000

Total Appropriation

Transfer to the Following Accounts:

10054900 00000 Community Development 25,000

\$ 25,000

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 1st day of September, 2020.

ATTEST:

T. Chet Mann, Mayor

Bonnie Davis, City Clerk

2020-2021 BUDGET ORDINANCE AMENDMENT**GENERAL FUND****Transfer from the Following Funds - results in decreasing of budget**

Contingency	25,000	To transfer contingency funds required to offset expenditures as described below
-------------	--------	--

Transfer to the Following Funds - results in increasing of budget

Community Development	25,000	To budget funds for Racial Equity Initiative
-----------------------	--------	--