

**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, January 21, 2020, at 6 p.m., in Council Chambers. The following people were present:

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

Absent:  
Mayor T. Chet Mann

**CALL TO ORDER**

Mayor Pro Tem Buckels called the meeting to order. A moment of silence was held in memory of Mayor Chet Mann's grandmother, Sarah Mann. Sarah Mann was the wife of former mayor and Council Member Tommy Mann, Sr. Mayor Pro Tem Buckels delivered the invocation.

Scouts BSA Troop 942G performed a flag ceremony and led everyone in the Pledge of Allegiance under the leadership of Scoutmasters Shannon Macon and Allison Fulcher.

**PUBLIC COMMENT**

Gabby Murillo, residing at 546 Lanier Farm Road, asked that Council approve her continued service on the Sanford Housing Authority (SHA). She has served on the SHA for a little over two years and she moved outside of the City limits. Ms. Murillo stated that the SHA serves people outside of the County including Harnett County. She felt allowing people in the county to serve on the SHA would help to have fair and equal representation. SHA is going through a RAD transformation and have a lot of important work that is being done now. Ms. Murillo asked that Council allow her to keep her seat on the SHA and allow people who live in the county to serve on the Authority.

Paul Lewis and Hannah Brooks, representing Scouts BSA Troop 942G, spoke regarding the activities of Troop 942G and added that they are working on their merit badge.

**APPROVAL OF AGENDA**

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

**APPROVAL OF CONSENT AGENDA**

Approval of City Council Work Session Meeting Minutes dated September 10, 2019 – (Minute Book 98)

Approval of City Council Meeting Minutes dated September 17, 2019 – (Minute Book 99)

Approval of City Council Meeting Minutes dated October 1, 2019 – (Minute Book 99)

Approval of City Council Work Session Meeting Minutes dated October 8, 2019 – (Minute Book 99)

Approval of City Council Work Session Meeting Minutes dated November 12, 2019 – (Minute Book 100)

Approval of City Council Meeting Minutes dated November 19, 2019 – (Minute Book 100)

Approval of City Council Work Session Meeting Minutes dated December 10, 2019 – (Minute Book 100)

Approval of Capital Project Ordinance Amendment – Moncure Megasite Wastewater Project No. S1703 – (Exhibit A)

Approval of Grant Project Ordinance Amendment – Sanford/Lee County Regional Airport Sewer Extension Project No. S1801 – (Exhibit B)

Approval of Engineering Services Agreement for Little Buffalo Sanitary Sewer Replacement with WithersRavenel – (Exhibit C)

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

### **CASE FOR PUBLIC HEARING**

Consider Municipal Service District Expenditures – (Exhibit D)

Mayor Pro Tem Byron Buckels opened the public hearing. Financial Services Director Beth Kelly explained the Municipal Service District Expenditures as listed on Exhibit D. With no one requesting to speak in favor or in opposition, the public hearing was closed.

- Approval of Municipal Service District Expenditures  
Council Member Gaskins made the motion to approve the expenditures. Seconded by Council Member Post, the motion carried unanimously.

### **REGULAR AGENDA**

Approval of Memorandum of Agreement – Project Safe Neighborhoods – (Exhibit E)

City Manager Hal Hegwer stated that extensive discussion has been held regarding the agreement. It is an agreement between the City of Sanford, County of Lee, the District Attorney's office and the North Carolina Administrative Office of the Courts for Project Safe Neighborhood (PSN). The agreement sets up, through the Administrative Office of the Courts-the District Attorney's Office, to hire a District Attorney Legal Assistant (part-time position). This position has technically worked initially through the Sanford Police Department since 2014 in the Detective Division. The request is from the U. S. Attorney's Office to move the position out of the Sanford Police Department to the District Attorney's office. The salary is \$20 per hour for twenty hours per week. The total expense for the position would be about \$41,722, with the City paying \$13,814. This agreement is also being presented before the County tonight. Some of the initial training for this position, for the entire Middle District, has been put off and we are trying to move forward with this position.

Council Member Taylor made the motion to approve the agreement. Council Member Gaskins seconded the motion. The motion passed in favor with a vote of six to one with Council Member Post casting the dissenting vote.

Approval of Ordinance Amending the Annual Operating Budget FY 2019-2020 – Project Safe Neighborhoods – (Exhibit F)

City Manager Hal Hegwer explained that this ordinance appropriates \$13,814 to the Sanford Police Department for the City's share of the Project Safe Neighborhood Program. Council Member Gaskins made the motion to adopt the ordinance. Seconded by Council Member Taylor, the motion passed with a vote of six to one in favor with Council Member Post casting the dissenting vote.

**NEW BUSINESS**

Consider Ordinance Amending the Annual Operating Budget FY 2019-2020 – Golf Course (Exhibit G)

City Manager Hegwer explained that this ordinance appropriates \$10,000 to replace a piece of equipment (about 15 to 17 years old) that maintains bunkers and greens (Sandpro) at the golf course. Council Member Gaskins made the motion to adopt the ordinance. Seconded by Council Member Post, the motion carried unanimously.

Consider Approval of Lease with Bharat Forge Aluminum – (Exhibit H)

City Attorney Susan Patterson explained that when we entered into an economic development incentive agreement with Bharat Forge, the County also entered into an agreement. In the County's agreement, there was a provision that when they transfer the land to the company, that they would agree to give the City a lease so that the City could finish the site improvements on the property that we committed to in our incentive agreement. This is a lease that memorializes that transaction so that they would lease the 78.+/- acres property for the location of the industry to the City for the sum of \$1 for the time period necessary for the City to prepare and complete the site improvements on that property. The City agrees to provide those improvements to the site. If they have to get a mortgage, or borrow some money to put a lien against the property, our lease will come second to that. We would agree to subordinate, so they can get their financing in place to carry on their improvement for the Forge facility. This agreement will last until site improvements have been completed. The instrument is in the hands of Bharat Forge's attorney to look at it. It should not be negotiated any further but there may be some slight changes that are necessary to it; if there is anything material, staff will come back to Council.

Council Member Gaskins made the motion to approve the lease with any slight adjustments/modifications that might be necessary as needed. Council Member Salmon seconded the motion.

Council Member Taylor requested clarification as to what constitutes minor changes and at what point is Council notified of the changes. Attorney Patterson replied that if there are any material changes, such as if they want to put stipulations on any of the site improvements we would be improving, or create any additional obligations or rights not before Council.

The motion passed unanimously.

Consider Approval of Construction Contract Award Recommendation - Project Forge Sewer Extension – (Exhibit I)

City Engineer Paul Weeks explained that this is a recommendation to award the contract for Project Forge sewer extension. There were four bidders and the low bidder was Sandhills Contractors

in the amount of \$1,701,435. We have worked with Sandhills Contractors and staff recommends awarding the project to Sandhills Contractors. This money is budgeted. Since this project is funded by CDBG funds, Council will have to tentatively award this bid. CDBG requires this language because funds have not been released by CDBG and we cannot start until the funds are released. We expect them to be released around mid-March. He referred to a map (Exhibit J) showing the Project Forge sewer line extension. Mr. Gaskins asked if there is a decimal point error on Alternate one, Item 10, from North American Pipeline Management. Mr. Weeks explained that North American Pipeline Management made some sort of clerical error in their bid submittal so the answer is yes, probably. Mr. Gaskins noted that North American Pipeline Management was not the low bidder.

- Consider Resolution of Tentative Bid Award for Gravity Sewer for Project Forge – (Exhibit K)  
City Engineer Paul Weeks explained that because CDBG is funding this project in the amount of \$1.25 million and Infrastructure Development Funds in the amount of \$500,000 (totaling \$1.75 million), we have to execute a resolution for the tentative bid award for this project. It is not your typical construction project where you just award it. This resolution allows us to start the contract documents and get them in order and ready to go, so once the City receives the funds, we can get the contractor to begin.

Council Member Salmon made the motion to approve the tentative bid award to Sandhills Contractors. Seconded by Council Member Gaskins, the motion carried unanimously.

#### Consider Discussion Regarding Appointments to the Sanford Housing Authority (Exhibit L)

City Attorney Susan Patterson explained that the Sanford Housing Authority has two vacancies due to a resignation of a member and a member moving outside the city limits. There are two applications from individuals who are interested in the position. The city clerk has advertised for applicants in the newspaper for tomorrow. The City has requirements to serve on different boards and committees; one of which is a requirement that you be registered to vote in the city limits. If you move outside the city limits, you no longer have the ability to be registered to vote in the city. There is a request by the applicant, who held the position that moved, that Council consider waiving the requirement of residency. If Council wants to consider these positions, it is up for Council's decision.

Mr. Taylor asked when the next meeting is for the Sanford Housing? Mr. Buckels replied the fourth Monday of each month. Mr. Taylor asked if an applicant moves outside the City limits, do they have to submit a resignation prior to moving. Attorney replied that it is typical that someone resigns, when they move outside the city limits. However, by law, if you are no longer eligible your office it is defacto vacant, so they lose it by virtue of having moved; they vacated the office. Mr. Taylor noted that he had no problem with the candidates; both could serve very well. However, he had concerns regarding appointments, and other commissions down the road and what city code issues versus county code issues. This SHA was increased by two members, prior to the new director being hired, so the authority increased from five to seven members. He felt by increasing the number of board members on the SHA, it made having a quorum more difficult.

Mr. Taylor noted that if the SHA can get through their next meeting, he would like for discussion to be held on this matter at the next workshop. Mr. Taylor asked when the member moves outside the city, does it nullify any action the board may have taken during that time? Attorney Patterson replied quite possibly; when they move, they lose their eligibility, but she stated that question was best left to be answered by the SHA's attorney.

Mr. Gaskins asked when does Ms. Murillo's term ends? Attorney Patterson replied June 30, 2021. Mr. Buckels noted that when the number increased to seven members, it has been difficult to get good, quality people to serve on the SHA. Mr. Peace is an individual who is dedicated to this community, has a degree in Business Administration and for these reasons, he would like for Council to consider Mr. Peace's application. He lives in the ETJ area and these two positions do expire June 30, 2021. Mayor Pro Tem Buckels suggesting keeping Ms. Murillo on the Authority until June 30, 2021 and to add Mr. Peace until June 30, 2021 just for this case and hold discussion on it later.

Council Member Post stated that pursuant to the Code of Ordinances, Section 2-191(c) because of the need for flexibility in this case, he moved that we waive the residency requirement for these two appointments that we are about to either approve or not approve tonight for this case and this case only. Council Member Williams seconded the motion.

Council Member Haire stated that when we put this request out and with affordable housing in the news every day it looks like more than two people would be interested in applying. He asked if we do an adequate job of getting the word out – when the meeting is and how often. Mr. Hegwer stated that it is advertised and it could be a lack of interest. City Clerk Bonnie Davis stated that it has been advertised in the newspaper, television station, website, social media, etc.

Council Member Gaskins stated that he disagrees with making both appointments at the same time. It clearly states case-by-case basis. This is two different cases. If we are going to waive the city ordinance, we need to have a good reason and not being able to fill a position, in general, he did not feel it is a good reason. People with whom we fill these vacancies, if we are going to waive one of our laws, we need to have something unique or rare. In the case of Ms. Murillo, she has been on the board for two years and moved out of the city limits but still lives in Lee County; that would be an unusual situation and has showed that she has something to offer to the board. He agrees with Mr. Taylor; if we are going to waive the rule because we need people on the board, it is a terrible precedent to set. Mayor Pro Tem Buckels said it is not to waive the requirement to fill a spot, but to waive the rule to have good people who qualify. Mr. Gaskins stated that he has told some outstanding individuals they cannot serve who lives in the County that asked about applying on the ADA but we have other people in the city limits who are qualified. We need to have a good reason to waive the law.

Mr. Post stated that he agrees that if you waive the requirement, we need a good reason. Ms. Murillo and Mr. Peace are good applicants. Mr. Peace has a degree in Business Management and he was the head manager of an apartment building in his prior career; so, he has managed domiciles where people live and that is what the Sanford Housing Authority does. Even though Mr. Peace does not live in the city limits; he lives in the ETJ. For those reasons, he felt we should the waive the residency requirement for Mr. Peace and Ms. Murillo.

Attorney Susan Patterson clarified that Mr. Post's motion was to waive the residency requirement under the Section C of the ordinance; she did not hear him say we need to appoint anyone. A motion would need to be made to waive the residency requirement and appoint one person to one spot or two people to two spots but otherwise, the only issue in front of Council is to waive the requirement.

Mr. Post stated that was his intention, so he made the motion to waive the residency requirement for both of them and vote on each one of the applicants individually. Mr. Post restated his motion that pursuant to the City of Sanford's Code of Ordinances, Section 2 – 191 (c) because of the need for more

flexibility, he made the motion to waive the residency requirement for the case of Gabby Murillo and in the case of Reginald Peace, Jr., for further vote tonight.

City Attorney Patterson stated that the motion would not be appointing them at this time, just waiving the requirement so they can be appointed. Council Member Williams seconded Mr. Post's motion.

Mr. Taylor asked Attorney Patterson if a precedent has been set in this room before. Attorney Patterson replied we have not waived the residency requirement to her knowledge except for the Tourism Development Authority and Opioid Commission by virtue of position. We have waived someone serving more than two terms on a board.

Mr. Taylor stated that we agree we have two great candidates and how we get there is the hardest part. He said if the exception is waived, does it protect the integrity of the votes of the individual that was not in good standing on that board. She would defer that to the Sanford Housing Authority; she would not want to comment on whether their action was in line or out of line. The Sanford Housing Authority's counsel would need to do that. We could possibly lower the number of individuals on the Authority to five applicants. His predicament tonight is not the candidates or worthiness of the candidates, because both candidates work hard in the community, but he has a problem of opening Pandora's box and setting a precedent that could cause Council grief down the road as we protect the integrity of our City boards and who serves on the boards. He does not have the answer. Mr. Taylor stated that due to where we are at, he would like to see it tabled to a workshop in two weeks. He wants Council to act on this matter and is willing to move forward with the two candidates; however, he would like to see better detail on how we get to that point and not open it up for down the road for a few boards. Council Member Gaskins seconded the motion. Council Member Taylor noted that he would like for discussion to be taken before a vote is taken on the matter. Attorney Patterson clarified Mr. Taylor's motion to table. She asked if it is tabling until the next board meeting with the workshop to be allowed for discussion and Mr. Taylor added not to exceed the next voting meeting. Mr. Hegwer stated that we have a Council meeting before we hold our next workshop. Mr. Taylor clarified to hold the matter at the next workshop for discussion and then place it on the next Council meeting after the workshop for a vote. Mr. Gaskins stated that he hopes part of the discussion will include separating these two and having the full reasons why we would be waiving this rule in each individual case so that as Mr. Taylor mention, we want to protect ourselves down the road.

Mr. Post stated that he is not trying to open up Pandora's Box; however, this code of ordinance would not allow for modifications if it was not something you could do. The code allows us to waive it on a case-by-case basis; we need flexibility.

A vote was taken on Council Member Taylor's motion to table and seconded by Council Member Gaskins, and it failed with a three to four vote. Council Members Taylor, Gaskins, and Haire voted in favor to table and Council Members Williams, Salmon, Post and Mayor Pro Tem Buckels cast the dissenting votes.

A vote was taken on Council Member Post's original motion and seconded by Council Member Williams in favor of waiving the residency requirement for these two applicants this time only. The motion passed in favor with a five to two vote with Council Members Williams, Haire Salmon, Post and Mayor Pro Tem Buckels voting in favor. Council Members Taylor and Gaskins cast the dissenting votes.

Council Member Salmon nominated Gabby Murillo. Council Member Post nominated Reginald Peace, Jr. Council Member Post moved to close the nominations. Council Member Salmon seconded the motion and it carried unanimously.

Council Member Salmon made the motion to appoint Gabby Murillo to the term on the SHA to expire June 30, 2021; the motion was seconded by Council Member Post. The vote passed in favor to appoint Gabby Murillo with a vote of six to one with Council Member Taylor casting the dissenting vote.

Council Member Post motion to appoint Reginald Peace, Jr. to the term on SHA to expire June 30, 2021 and was seconded by Council Member Williams. The vote was five to two in favor to appoint Reginald Peace with Council Members Taylor and Gaskins casting the dissenting votes.

### **OTHER BUSINESS**

Council Members expressed their condolences and prayers for the Mann family in the passing of Mayor Chet Mann's grandmother, Sarah Mann.

Council Member Taylor stated that before Council has given reports from the various boards and commissions and we need to look at some safety mechanisms to put in place when people move to protect the integrity of our votes in the meetings. He mentioned that he saw Pitt County received funding for a re-entry commission. This program was talked about with a liaison from the School of Government in Chapel Hill. They identify resources as to how to get people when they come into re-entry and their environment. He would like the city manager and assistant to explore that program to look at what we can possibly do to participate in that program and if it might help with Project Safe Neighborhood.

Mayor Pro Tem Buckels thanked everyone who showed their support to celebrate the life and legacy of Martin Luther King Jr. Dr. King stood for justice and served as a wonderful example of leadership for all people. The Police Department did an awesome job with assisting with the traffic at the event. He announced there will be an all boards meeting on Thursday, January 23, 2020, at 6 PM, at the McSwain Center on Tramway Road.

### **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) (1) to prevent the disclosure of information this is privileged or confidential or not considered a public record (4) to discuss matters relating to the location or expansion of industries or other businesses in the area; and (5) to establish or to instruct the public body's staff or negotiating agents concerning the position to be taken on behalf of the public body in negotiating the price or material terms of a contract or proposed contract for the acquisition of real property. So moved by Council Member Salmon and seconded by Council Member Gaskins, the motion carried unanimously.

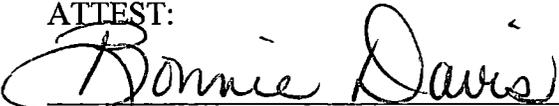
**ADJOURNMENT**

Council Member Norman Charles Post III 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,

  
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T. CHET MANN, MAYOR

ATTEST:  
  
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BONNIE DAVIS, CITY CLERK