

**MINUTES OF THE SPECIAL CALLED 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 29, 2021, at 6 p.m., in Council Chambers. 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 "Chas" Post III
Council Member Rebecca Wyhof Salmon	Council Member James Williams
City Manager Hal Hegwer	City Attorney Susan Patterson
City Clerk Bonnie Davis	Deputy City Clerk Vicki Cannady

CALL TO ORDER

Mayor Mann called the meeting to order. 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. Seconded by Council Member Gaskins, the motion carried unanimously.

DECISIONS ON PUBLIC HEARING

Application by Andrew Myles - to rezone three tracts of land with frontage on Jefferson Street and Elm Street, totaling 0.65 ± of an acre, from Residential Mixed (R-12) to General Commercial (C-2). The subject property is identified as Lee County tax parcels 9652-24-3455-00, 9652-24-3317-00, and 9652-24-3385-00 as depicted on Lee County Tax Map 9652.13. – (Exhibit A)

Zoning Administrator Amy McNeill explained that the Planning Board met on June 5, 2021 after the public hearing was held and recommended that the City Council approve the rezoning request by a unanimous vote. Topics of discussion included that the request is consistent with the Plan SanLee Comprehensive Plan and that Elm Street is transitioning from residential to commercial.

• Vote to 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 designation of Commercial Corridor because General Commercial is listed as a proposed primary zoning district for this place type. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

• Vote to Approve or Deny the Rezoning Request – Consider Adoption of the Ordinance Amending the Official Zoning Map of the City of Sanford, N.C.

Council Member Salmon made the motion that the proposed zoning map amendment is reasonable and in the public interest because Elm Street is transitioning from residential to commercial, as acknowledged in the Plan SanLee, the subject property may be recombined with the adjoining lots that front S. Horner Boulevard to create a larger lot with frontage on a high-volume street and the site has access to public water and sewer. Therefore, she moved to approve

the request to rezone three tracts of land with frontage on Jefferson Street and Elm Street, totaling 0.65± of an acre, from Residential Mixed (R-12) to General Commercial (C-2). Seconded by Council Member Gaskins, the motion carried unanimously.

REGULAR AGENDA

Consider Appointments to Various Boards and Commissions – (Exhibit B)

Commission on Opioid Abuse Epidemic – (One At-Large Appointment - term expires June 30, 2024) – (Exhibit C)

Council Member Taylor made the motion to appoint Bryan J. Schleigh to the at-large position, to close the nominations and appoint by acclamation. Seconded by Council Member Post, the motion carried unanimously.

Council Member Taylor commented that there was an additional seat available on this board. Mayor Mann asked City Clerk Bonnie Davis to continue to advertise for this position.

Historic Preservation Commission – (One Appointment-term expires June 30, 2024) – (Exhibit D)

Council Member Williams made the motion to appoint Brenda Johnson, to close the nominations and appoint by acclamation. Seconded by Council Member Post, the motion carried unanimously.

Planning Board – (One regular appointment – term expires June 30, 2024 and one alternate position – term expires June 30, 2022) – (Exhibit E)

Council Member Taylor made the motion to appoint Jeff Foster to the term which expires June 30, 2024, to close the nominations and appoint by acclamation. Seconded by Council Member Gaskins, the motion carried in favor with a vote of six to one with Council Member Post casting the dissenting vote.

Sanford Housing Authority – (Two regular appointments – term expires June 30, 2024 and one resident commissioner – term expires June 30, 2024) – (Exhibit F)

Mayor Pro Tem Buckels made the motion to appoint Dr. Karen M. Wicker to the term expiring June 30, 2024, to close the nominations and appoint by acclamation. Seconded by Council Member Williams, the motion carried unanimously.

Mayor Pro Tem Buckels noted they are having some issues with enough appointments; right now, they have four members out of the designated seven members. He said it had been asked of him if there could be any type of extension for either or both of the current members, Reginald Peace, Jr. and Gabby Murillo. He said Mr. Peace and Gabby Murillo were both in agreement to serve an extended term until a regular appointment could be made. Mayor Pro Tem Buckels noted that this board only has five out of a seven-member board and they also needed a resident member. Mr. Buckels said he was aware that both of these members lived outside the City Limits.

Council Member Taylor asked if it prudent at this time to reduce the number to five members to meet a quorum. City Manager Hegwer replied this is currently a seven-member board and with the appointment, there are five members.

Council Member Salmon asked if someone serving on this board who does not live in the Sanford City limits, could it jeopardize some of the complicated procedures and functions of this board.

She added that she was in favor of making our boards have an odd number of members to set them up for success (not an even number like 6).

Mayor Pro Tem Buckels said he had spoken with the CEO of HUD concerning members who do not live in the Sanford City limits and there is no type of limitations associated with living outside city limits that would hinder any function administered by the Sanford Housing Authority.

City Manager Hal Hegwer said there is a seven-member board, with five appointed members, which leaves one regular vacancy and one resident commissioner vacancy. Mayor Mann added there is one seat at large vacancy, and preferably this seat would be an individual that resides within the City limits, and we need to seek a resident commissioner.

Council Member Gaskins said he is concerned about having a member serve who lives outside the City limits. City Attorney Susan Patterson said it is Council's Rule on board appointments that has the residency requirements within the City limits. She said if Council were to make a change to allow someone to be appointed that resides outside of the City limits or extend appointments, they would have to take a separate vote for each issue. In order to extend appointments or allow an appointment of someone residing outside the City limits, Council will need to vote on changing the rule and appointment of the person. Attorney Patterson said she did not have the statute with her but for City Council to change the number of people on a board may or may not require a resolution of the Council. She added that this issue was not listed as an item on this Special Called Agenda and if Council wanted to take this action, they may want to wait on voting on any appointment and place the reduction of board members on the next meeting agenda. She said if Council's intent was not to change the number of board members for the Sanford Housing Authority, but whether or not to waive the residency requirement, then they could waive the residency for a period of time and then appoint someone that could meet the new criteria. She said under the current criteria, the two applicants in question, Mr. Peace and Gabby Murillo, did not qualify.

Council Member Taylor asked Attorney Patterson if Council chose to pursue changing the requirement for members not to be required to live in the City limits, would it have any effect on any Federal Programs that the Sanford Housing Authority may have in effect. Attorney Patterson said she knew there were statutes that set up the Housing Authority for towns across the state; however, she is not familiar with the federal programs that the Sanford Housing Authority implements, to know whether there is a requirement for residing within the City limits.

Mayor Mann felt we need to seek out one person to serve who lives in the City, because they understand City issues. He said the policy of requiring board members to reside within the City limits is in place so that these members can give good guidance based on the fact that as a resident, they know how things work.

Mayor Pro Tem Buckels stated that Ms. Murillo said she would be willing to serve until someone is appointed, but is not interested in serving a full term. He said the question is not to extend both Mrs. Murillo and Mr. Peace but only one of these two to serve until we fill the position.

Following discussion, the consensus of Council was to leave the position open until a member that lives within the Sanford City limits can be found, and to search for a resident applicant.

NEW BUSINESS (Items for discussion and action will only be taken if necessary).

Consideration of the Southern Estates Subdivision, which is Associated with the Rezoning of the Subject Property to the Residential Mixed Conditional (R-6-C) Zoning District in July of 2020. This 89-lot residential subdivision will be served by public water, sewer, and streets. Also, the subject property has been annexed into the corporate City limits. – (Exhibit G)

Zoning Administrator Amy McNeill explained that Esplanade Communities of Florida, LC is seeking approval for a preliminary plat for Southern Estates subdivision, an 89-lot residential single-family home subdivision, with seven areas dedicated as open space. Two phases are proposed for this development and all lots will be served by public water, sewer, and streets. The design incorporates curb and gutter, and street trees along all proposed public streets. The Planning Board met on June 15, 2021 and recommended that Council approve the preliminary major subdivision plan as submitted, by unanimous vote. Topics of discussion included the plot matches the design approved as part of the conditional zoning district assigned to the property, which was approved as a part of the rezoning process. The construction drawings have been reviewed by the City Engineering and Planning Departments. Once the water, sewer and streets are installed or a financial guarantee posted and the preliminary plat is approved, the developer may move forward with recording the final plat.

Council Member Taylor made the motion to approve the preliminary plat; seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

Consider Preliminary Assessment Resolution – Brookwood Trail Sanitary Sewer Line Extension Project – (Exhibit H)

Civil Engineer II Mary DePina explained that the purpose of the resolution is to set a public hearing date of August 3, 2021, at the Municipal Center at 6:00 p.m., on the Brookwood Trail Sanitary Sewer Line Extension. This project is a part of the program set up by Council in the Spring of 2017, where the City pays 75 percent of the sewer extension costs and 100 percent of the sewer tap costs if the taps are made during construction. The homeowners cost includes 25 percent of the construction cost to extend the sewer plus the cost to connect the house plumbing to the sewer tap and the cost to take their septic system out of service. This petition involves seven parcels and based on the engineers estimate, the construction cost will be approximately \$363,040. The cost per lot is estimated to be \$12,965.71 and this does not include the cost of re-routing the house plumbing or to remove the septic services out of service. Four out of seven property owners have signed the petition, which is a majority of 57 percent. Two residents did not respond and one resident said no. This project has been introduced before but we had to re-align the sewer and this is why it is being presented again.

Council Member Gaskins made the motion to approve the preliminary assessment resolution. The motion was seconded by Council Member Taylor.

Attorney Patterson commented that one of the lots has changed hands in the last thirty days so that property owner will need to be advised of the public hearing date. Council Member Taylor asked if this would affect the 50 percentiles. Attorney Patterson said no, this was one of the properties that did not sign.

Mayor Mann called for a vote to the motion on the floor. The motion carried unanimously.

Consider Waiver of Conflict of Interest for Consultant – (Exhibit I)

City Attorney Susan Patterson explained that the Public Works staff had spoken with Council a while back about the expansion of the Water Treatment Plant and working in connection with other

towns in order to get the large expansion off the ground. The towns included were Holly Springs, Fuquay Varina, Pittsboro and Chatham County. We are looking to engage an attorney as outside counsel for the different agreements that will be needed in order to facilitate the capacity needs with each town, and changes if they do not use all the usage they originally thought they would use, and other towns that need more than they originally thought. They can go through a process in order to reallocate the resources. They have been working on different agreements that deal with the preliminary engineering reports and designs. The consultant they are proposing to hire says his firm represents two other organizations. They determined this because they have to run conflict checks every time that they do a representation and this check revealed the conflict with two other towns. Those two towns have waived the conflict of interest, and the proposed consultant is asking Sanford City Council to do the same in order to engage him. The law firm is Parker Poe. They are counsel on different financing and bond documents for different towns. They have been engaged in the past as our bond council, so they already have several different organizations they represent. This is simply a matter of whether or not to waive the conflict requirement so they can operate on this upcoming agreement. Staff recommends doing so.

Council Member Taylor asked Attorney Patterson if this individual was working with these two entities directly or is it just the interest of the firm. Attorney Patterson said he told her the firm is bond counsel to those two entities but she does not know if he provides other services to those towns or not. She said the individual she is referencing is Mr. Mac McCarley.

Council Member Taylor made a motion to approve the waiver of conflict of interest; Council Member Post seconded the motion, and it carried unanimously.

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

Management Analyst Holly Marosites explained that this is a project ordinance amendment that appropriates a portion of the installment purchase proceeds for the debt issuance cost for our recent installment purchasing financing and reimbursing the City for water and sewer infrastructure cost related to Project Forge in the amount of \$43,094.

Council Member Post made the motion to approve the Grant Project Ordinance Amendment – Project Forge – Infrastructure Improvements U2001. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

OTHER BUSINESS

Mayor Pro Tem Buckels suggested that the City offer some type of appreciation to various volunteers that serve on City boards who have completed their term, perhaps in the form of a letter or certificate. Mayor Mann said he knows the City Clerk contacts these individuals and they are sent a letter of appreciation. He asked staff to check into this issue.

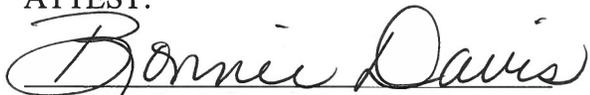
ADJOURNMENT

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.**



T. CHET MANN, MAYOR

ATTEST:


BONNIE DAVIS, CITY CLERK