

**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

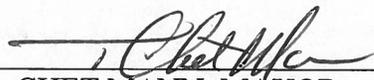
City Attorney Susan Patterson read a motion to go into closed session in accordance with North Carolina General Statute 143.318.(11)(a)(3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege. So moved by Council Member Salmon and seconded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