

**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, August 16, 2022, at 6:00 p.m., in the Council Chambers. The following people were present:

Mayor Rebecca Wyhof Salmon  
Council Member Mark Akinosho  
Council Member Linda Rhodes  
Council Member James Williams  
City Attorney Susan Patterson  
Deputy City Clerk Vicki Cannady

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

**ORGANIZATIONAL SESSION**  
**OATHS OF OFFICE**

City Manager Hal Hegwer welcomed everyone to the meeting and introduced Judge Darren Jackson, who administered the oath of office to newly elected Mayor Rebecca Wyhof Salmon. Mayor Salmon introduced North Carolina Secretary of State Elaine Marshall, who administered the oath of office to newly elected Council Member Mark Akinosho (Ward 1) and returning Council Member James Williams (Ward 3). Mayor Rebecca Wyhof Salmon administered the oath of office to newly elected Council Member Linda Rhodes (At-Large).

**CALL TO ORDER**

Mayor Salmon called the meeting to order. Rev. Dr. Thomas E. Smith, Sr. (of First Calvary Baptist Church) led the invocation and the Pledge of Allegiance was recited.

**COUNCIL APPOINTMENT OF MAYOR PRO TEMPORE**

Council Member Haire nominated Council Member Charles Taylor to serve as Mayor Pro Tem. Council Member Williams made a motion to close the nominations and appoint Mr. Taylor by acclamation. The motion carried by a vote of five to one, with Council Member Rhodes casting the dissenting vote.

**APPROVAL OF AGENDA**

Mayor Salmon announced that Item 11B under New Business, "Consider Construction Manager at Risk Agreement for Triangle Innovation Point Water and Sewer Improvements," should be removed from the agenda. Council Member Taylor made a motion to approve the agenda as amended. Seconded by Council Member Akinosho, 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** *(held jointly with the Planning Board)*

Text amendment to the Unified Development Ordinance: Consideration of text amendments to the jointly adopted UDO, with an update to Article 4: Section 1-9 (Zoning District Regulations), Article 6 (Subdivisions), Article 9.2 (Storm Water Management), and Article 10.4 (accessory Dwellings); and

remove the language in Article 4: Sections 9 (Planned Unit Development), 10 (Traditional Neighborhood Development), and 15 (Residential Design Standards Overlay District). The recommended amendments to the UDO are available for viewing/downloading at <https://www.sanfordnc.net/770/Proposed-UDO> Amendments. If approved, the recommended date for the amendments to take effect would be January 1, 2023 (Exhibit A).

Mayor Salmon introduced members of the Sanford Planning Board to new Council members (Ken Britton, Chairman; Jeff Foster; Gloria Perez; Gina Bycura; and Bill Murphy. (Planning Board Members Richard Oldham, Ed Ashburn and Santiago Giraldo were absent.)

Mayor Salmon opened the public hearing.

Community Development Director Marshall Downey explained that the purpose of this public hearing is to amend the existing Unified Development Ordinance (UDO). He provided a brief introduction of the amendment, then introduced staff members Senior Planner David Montgomery and Planner I Thomas Mierisch, who explained the residential and technical details of the proposed UDO amendment.

Senior Planner David Montgomery gave a description of the purpose of the UDO, which is a guide for building environment; basically, the blueprint of our community. He also gave a brief description of Land Use Plan SanLee. Mr. Montgomery explained that the proposed new residential development amendments are designed to guide new residential neighborhoods within the context of the adopted Land Use Plan SanLee. The proposed UDO text amendments include an update to Article 4: Section 8 (Zoning District Regulations), Article 6 (Subdivisions), Article 9.2 (Storm Water Management) and Article 10.4 (Accessory dwellings) and remove the language in Article 4: Sections 9 (Planned Unit Development), 10 (Traditional Neighborhood Development), and 15 (Residential Design Standards Overlay District) as described in *Exhibit A*.

Planner I Thomas Mierisch reviewed some technical details of the UDO amendments, which included information on street standards and the visions for standard neighborhood streets within a new residential subdivision. (*Exhibit A*)

Mayor Salmon commented that there has been a lot of work put forth in articulating and upgrading the UDO.

Council Member Taylor applauded staff for their hard work on this project. The revisions are a reflection of developer input and he is looking forward to the completion of the residential and future multi-family upgrades.

Ray Covington, 709 Croswell Court, Whitsett, NC, spoke in favor of the proposed UDO Amendments. He expressed support because he understands the work that has gone into this process and he especially appreciates the fact that they included the development community. He and his partners are doing projects all over North Carolina, and Sanford has the best Planning staff, Public Works staff, and the best City manager in the State of North Carolina.

Jerry Ragland, 102 Foxfire Lane, Cary, NC, with Smith-Douglas Homes, and a participant of the Sanford Area Growth Alliance (SAGA), voiced appreciation for the efforts to streamline the development process; however, he voiced concern that the provisions within the draft will put housing in Sanford out of reach of many residents. He biggest concern is the requirement of a five-foot sidewalk and a seven-foot planting strip in subdivisions and requested that the planting strips be reduced to four

feet. He said they were also concerned about the more stringent open space requirements, which will create design limitations on many sites with challenging topography. He wants to make sure that the new UDO creates opportunity for homeownership for those who serve us (teachers, nurses, fire fighters, police, etc.).

Kerry Bashaw, 725 Sequoia Drive, Fuquay-Varina, is Executive Director of Brick Capital CDC, an affordable housing developer in this area. He is in favor of the UDO upgrades; however, he is concerned about the costs associated with the required amenities for developments; curb, gutter, sidewalks, trees, etc. He is concerned this will put more restraints on affordable housing. He asked Council to consider making exceptions in certain cases for these amenities.

Kimberly Rau, 3218 Deborah Lane, Sanford, Executive Director of Habitat for Humanity, agrees with Kerry Bashaw's comments. She added that Sanford needs low-income housing.

Mayor Salmon informed the public that comments would have to be made during the public hearing; there will be no public participation during the Planning Board meeting.

Van Groce, Jr., 915 Gilmore Drive, Sanford, commented that this revision to the UDO is an improvement; however, he posed questions concerning installation requirements for the trees that will be planted within the seven-foot planting strips and etc. He asked Council to review the design elements in the UDO amendments.

With no other speakers, Mayor Salmon closed the public hearing. The Planning Board retired to West End Conference Room for deliberation.

### **DECISIONS ON PUBLIC HEARINGS**

There were no decisions on public hearings.

### **REGULAR AGENDA**

**Offer received from Juan Fernando Garcia Gabarrete to Purchase Vacant Lots on Boykin Avenue and Washington Avenue and Authorize Mayor and City Clerk to Sign the Deed (Exhibit B)**

Community Development Manager Karen Kennedy explained that she presented an offer from Mr. Gabarrete for lots that adjoined his property on Boykin Avenue a while back and Council declared these lots surplus. Staff has advertised the public notice for upset bids and the time frame has expired with no increased bids received. Mrs. Kennedy requested Council to accept Mr. Gabarrete's bid, authorize the sale of the property and direct the Mayor and City Clerk to sign the deed at closing. She added that Restrictive Covenants were included.

Council Member Buckels made a motion to approve the offer received from Juan Fernando Garcia Gabarrete to Purchase Vacant Lots on Boykin Avenue and to Authorize the Mayor and City Clerk to Sign the Deed and Covenants. Seconded by Mayor Pro Tem Taylor, the motion carried unanimously.

### **NEW BUSINESS**

**\$169,260 Performance Security to guarantee uninstalled improvements for Phase 1, Section 1 of Brantley Place Subdivision, a 138-lot residential single-family subdivision off of Brantley Road, Pioneer Drive Extension, and Tyndall Drive, to be served by public water, sewer, and streets for which the preliminary subdivision plat was approved by the City Council on February 2, 2021 (Exhibit C)**

Planner II Thomas Mierisch noted that there was an error on page number 104 of the exhibit and

the correction was distributed for Council's review at this meeting and the correction was included within the exhibit. He explained that this performance guarantee is for uninstalled improvements for Phase One, Section One of Brantley Place Subdivision, in the amount of \$169,260, to cover the cost of sidewalks, ramps and associated site improvements. The estimate was prepared by the City's Engineering Department.

Council Member Buckels made a motion to approve the \$169,200 Performance Security to guarantee the uninstalled improvements for Phase 1, Section 1 of Brantley Place Subdivision. Seconded by Mayor Pro Tem Taylor, the motion carried unanimously.

Construction Manager at Risk Agreement for Triangle Innovation Point Water and Sewer Improvements – REMOVED FROM AGENDA

Memorandum of Understanding between North Carolina Department of Commerce and City of Sanford (Exhibit D)

Utilities and Engineering Director Paul Weeks explained that this item is for Triangle Innovation Point water and sewer improvements associated with the VinFast project and it is funded primarily through a \$75 million direct state grant and a \$50 million grant from Golden Leaf, which has already been processed. The state grant funds will start being released to the City of Sanford once all of the paperwork has been signed.

Council Member Akinosho made a motion to approve the Memorandum of Understanding between the North Carolina Department of Commerce and the City of Sanford. Seconded by Council Member Rhodes, the motion carried unanimously.

Professional Services Agreement between City of Sanford and Freese and Nichols, Inc. (Exhibit E)

Utilities and Engineering Director Paul Weeks explained that this item refers to Little Buffalo Creek revitalization. The City received a grant from the North Carolina Department of Environmental Management in June of this year, in the amount of \$1,153,000. The intent of this grant is to fund the engineering work for the redesign of Little Buffalo Creek between Charlotte Avenue and Weatherspoon Street, as well as two new culverts going underneath Weatherspoon Street to decrease flooding. Mr. Weeks explained the process of selecting an engineer is a qualifications-based selection process, as opposed to bids. Five applications were received and Freese and Nichols was chosen.

Council Member Akinosho made a motion to approve the Professional Services Agreement between the City of Sanford and Freese and Nichols, Inc. Seconded by Council Member Rhodes, the motion carried unanimously.

Ordinance Amending the Annual Operating Budget of the City of Sanford Fiscal Year 2022-2023 – Re-appropriations (Exhibit F)

Financial Services Director Beth Kelly explained that this re-appropriation is done in August annually for the re-appropriation of funds from the previous year's budget for rolling stock; equipment, vehicles not received or projects not completed by June 30. (See Exhibit F)

Council Member Buckels made a motion to approve the Ordinance Amending the Annual Operating Budget FY 2022-2023 – Re-appropriations. Seconded by Council Member Akinosho, the motion carried unanimously.

Agreement for Fire Protection Services with Northview Fire and Rescue, Inc., for D.R. Horton Property – Colon Road (Exhibit G)

City Attorney Susan Patterson explained that this agreement was entered into March 2017, and wherein, Northview Fire and Rescue, Inc., agreed to contract and provide services to areas that were annexed and are within Northview’s five-mile service district. In addition, the City of Sanford contracted with Northview for fire protection and other emergency services for Central Carolina Enterprise Park (CCEP). We now desire to add the two newly annexed areas into this contract. Northview would agree to provide fire protection and other emergency services to those parcels, effective on the day of annexation (May 5, 2022) and would be in place until such time as the City has extended its own fire protection to the annexed areas; when the City’s new fire station is completed. This agreement can be terminated by either party within 365 days’ notice.

Council Member Akinosho asked if any efforts had been made to purchase Northview Fire and Rescue, Inc. City Manager Hegwer replied that there had been many discussions, with several different scenarios, with Northview Fire and Rescue, Inc. towards this effort; however, they voted not to accept with the City of Sanford’s offers.

Council Member Akinosho made a motion to approve the Agreement for Fire Protection Services with Northview Fire and Rescue, Inc., for D.R. Horton Property – Colon Road. Seconded by Council Member Haire, the motion carried unanimously.

Public Comment Policy (Exhibit H)

Attorney Patterson noted that the existing Public Comment Policy was reviewed to make sure it was up to date, as requested by Council. Attorney Patterson noted that basically, the updates are verbiage changes from “Law and Finance Committee” to “Council Workshop” and for clarification, a numeral was added to the 30-minute time limit for public comment statement. Other than these changes, it is the same Public Comment Policy that we have in place.

Mayor Pro Tem Taylor commented that it would be beneficial to staff if participants with prepared remarks provide an electronic copy to the City Clerk. This would assist with transcribing of those comments. Mr. Taylor questioned if this could be added to the policy.

Attorney Patterson replied that normally, the public comments are oral for the three-minute limit. She asked Council if they would prefer to have this added to the Public Comment Policy or remain as an informal interaction between the Clerk and the participants.

Council Member Rhodes commented that to include this as a part of the policy could exclude some people from making comments because they may not have direct access to email.

Mayor Salmon commented that the three-minute regulation limits the amount of time among all participants, as opposed to written comments that are presented as a part of record.

Mayor Pro Tem Taylor added that the intent of his comment was not to add any additional time to the three-minute time limit, but to assist staff in transcribing the context of the comments, which would make their job easier.

Council Member Akinosho commented that this could become cumbersome. Mayor Salmon commented that from the comments that have been made regarding this issue, it appears Council wants

to let it remain informal between the City Clerk and participants making public comments and the need for written comments to be submitted as a part of record is not necessary.

Council Member Akinosho made a motion to approve the Public Comment Policy as submitted. Seconded by Council Member Rhodes, the motion carried unanimously.

**OTHER BUSINESS**

Council Members welcomed Council Member James Williams back due to health reasons and congratulated Mayor Rebecca Wyhof Salmon, Council Members James Williams (re-elected), Mark Akinosho (Ward 1) and Linda Rhodes (At-Large) on their election to office.

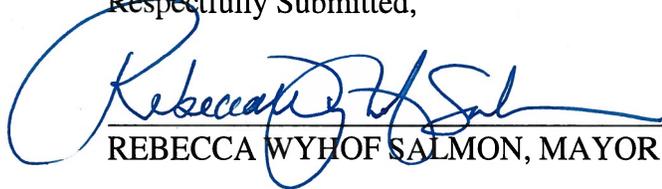
Attorney Patterson stated that she is required to disclose a settlement that has been reached in mediation with regards to the LeBlanc settlement in the amount of \$7,500 in exchange for a revision into his F5B form, an inclusion in our personnel file of another letter with regards to his separation with the City of Sanford. In exchange, he released his case against the City and the amount of funds involved was covered by the League Risk Pool.

**ADJOURNMENT**

Council Member Rhodes made a motion to adjourn the meeting; seconded by Council Member Akinosho, the motion carried unanimously.

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

Respectfully Submitted,

  
REBECCA WYHOF SALMON, MAYOR

ATTEST:

  
BONNIE DAVIS, CITY CLERK