

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 2, 2010
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m., on Tuesday, March 2, 2010 in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Linens
Council Member Jim Albright
Council Member Victor Euliss
Council Member Chip Turner

Also Present:

Chris Rollins, City Manager
Frankie Maness, Assistant City Manager
Aaron Holland, Planner
Keith Whited, City Attorney
Kimberly Harris, City Clerk

Council Members Absent:

None

Mayor Peterman called the meeting to order at 7:00 p.m. He then recognized Boy Scout Troup 11 Scout Master Todd Lamphear and Assistant Scout Master Starr Jones of Snow Camp North Carolina who gave the invocation. Boy Scout Troop 11 led the City Council in the Pledge of Allegiance.

Resolution of Commendation and Appreciation to City of Graham Retiree Jimmy Spoon, Street Superintendent, for 36 Years of Service:

**RESOLUTION OF COMMENDATION AND APPRECIATION
TO WILLIAM JAMES SPOON**

WHEREAS, Williams James Spoon diligently served the City of Graham in the Public Works Department from May 1, 1973 until February 1, 2010 as Street Superintendent; and

WHEREAS, Jimmy retired from the City of Graham on January 31, 2010 with 36 years of service; and

WHEREAS, his wisdom, care and dedication has commanded the utmost respect from his colleagues, and employees; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Jimmy for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT: Jimmy be commended for his outstanding public service as Street Superintendent.

BE IT FURTHER RESOLVED THAT: an expression of appreciation be extended to Mr. Jimmy Spoon in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

This the 2nd day of March 2010.

Mayor Peterman presented Jimmy Spoon with a Resolution of Commendation and Appreciation for 36 years of loyal service to the City of Graham as the Department of Public Works Street Superintendent.

Jimmy Spoon thanked the City of Graham. Public Works Department Head Donnie Braxton thanked Mr. Spoon and advised the Council that Jimmy had been a big asset to the City.

Council Member Euliss said that the words "always" "capable" "able" "willing" and "positive" are words which aptly describe Jimmy Spoon. City Manager Rollins stated that Mr. Spoon was an amazing equipment operator. Mayor Peterman stated the City of Graham appreciates Jimmy Spoon.

Council Member Albright asked that the Proclamations for Multiple Sclerosis and Women In Construction be pulled from the Consent Agenda and Read aloud.

CONSENT AGENDA:

Approval of Minutes -

February 2, 2010 Inclement Weather
February 9, 2010 Regular Session

Having pulled the Proclamations for Multiple Sclerosis Awareness Week March 8 – 14, 2010 and Women in Construction Week March 7 – 13, 2010, upon Motion by Council Member Euliss, second by Council Member Turner, the Council voted unanimously to approve the remaining consent agenda.

Proclamation – Multiple Sclerosis Awareness Week March 8 – 14, 2010:

Mayor Peterman read aloud the Proclamation for Multiple Sclerosis Awareness Week:

Proclamation

WHEREAS Multiple Sclerosis is a chronic and disabling disease of the central nervous system in which the progression, severity and specific symptoms cannot be foreseen; and

WHEREAS every hour of every day someone new is diagnosed with Multiple Sclerosis a disease that can erode a person's abilities and hopes, halt a career and unravel the fabric of families; and

WHEREAS the North Carolina Chapters of the National Multiple Sclerosis Society reports that in our state more than 10,000 people are affected by this devastating disease, and multiple sclerosis generally strikes young adults aged 20 through 40, attacking them in the prime of their lives; and

WHEREAS the North Carolina Chapters of the National Multiple Sclerosis Society have been committed throughout the years to heightening public knowledge and insight about this devastating and disabling disease; and raising millions of dollars to find the cure for Multiple Sclerosis and develop effective treatments for the disease, as well as provide a wide range of client programs; and

WHEREAS research advances have brought us closer to finding the cure, much remains to be done and services must continue to be provided to those who live with the disease; and

WHEREAS finding the cause and developing a method of prevention for Multiple Sclerosis is an important task that all Americans and North Carolinians should support;

NOW, THEREFORE, I Jerry Peterman, Mayor of the City of Graham, do hereby Proclaim March 8 – 14, 2010 as **MULTIPLE SCLEROSIS WEEK** in the City of Graham and commend this observance to all our citizens.

This the 2nd day of March 2010.

Upon Motion by Council Member Turner, second by Council Member Albright, the Council voted unanimously to approve the Proclamation declaring the week of March 8 -14, 2010 as Multiple Sclerosis Awareness Week.

Proclamation - Women in Construction Week March 7 – 13, 2010:

Mayor Peterman read aloud the Proclamation for Women in Construction Week:

Proclamation

WHEREAS, the Piedmont Chapter has for 44 years distinguished itself as the voice of women in construction in the City of Graham; and

WHEREAS, the work done by the Piedmont Chapter has benefited the City of Graham through community development and educational programs; and

WHEREAS, the Piedmont Chapter has unceasingly promoted the employment and advancement of women in the construction industry; and

WHEREAS, the construction community, represented by the Piedmont Chapter has been a driving force in fostering community development through renovation and beautification projects; promotion of skilled trades careers; and a positive vision of the future; and

WHEREAS, the Piedmont Chapter has sought to achieve successful results for the City of Graham and surrounding areas in a cooperative spirit with other organizations;

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby recognize the Piedmont Chapter of the National Association of Women in Construction (NAWIC) and its many dedicated volunteers for its steadfast work on behalf and support of women in construction, and do proudly proclaim the week of March 7-13, 2010 as "Women in Construction Week," and encourage our citizens to congratulate the organization on its many accomplishments.

This the 2nd day of March 2010.

Upon Motion by Council Member Turner, second by Mayor Pro Tem Linens, the Council voted unanimously to approve the Proclamation declaring the week of March 7 -13, 2010 as Women in Construction Week.

Mayor Peterman recessed the regular Council meeting in order to convene a Quasi- Judicial Hearing at 7:12 p.m.

Requests and Petitions of Citizens:

Quasi-Judicial Hearing Request for Special Use Permit of MDCB, LLC (Alan Bice) for a Parking Lot and School Bus Parking at 126 Cheeks Lane. Property Shown on Alamance County Tax Map 6-15-65, GPIN# 8883354432:

City Attorney Whited explained that in a quasi-judicial hearing for a special use permit, the petitioner must provide evidence to be allowed to vary from a zoning ordinance. A Quasi-Judicial Hearing is considered a court proceeding; therefore, any information offered during the hearing is considered evidence. Each speaker, for and against, including staff, will be administered an oath prior to giving testimony at the hearing.

Council Members should not have ex parte conversation with individuals related to the case. Council Members were invited to advise if anyone had contacted them about this item scheduled for a Quasi-Judicial hearing. None were forthcoming.

City Attorney Whited swore in City Manager Rollins and Assistant City Manager Maness.

City Attorney Whited questioned if any member of the City Council has a financial interest in the issue or has had ex parte communication or bias or fixed opinion on this issue? If so, say I do and please explain. No affirmative response was received.

Assistant Manager Frankie Maness presented request for Special Use Permit of MDCB, LLC to the Council. He explained that Section 10.144 of the *City of Graham Development Ordinance* states that: "In granting a special use permit, the council shall find that all of the conditions listed below have been met, or it shall be denied." Findings of Fact must be included that either support or oppose those conditions for a Special Use Permit to be approved. Preliminary findings have been included by staff, but should be modified as needed at the Public Hearing.

Assistant City Manager Maness explained that Alan Bice with MDCB, LLC (Rivermill Charter School) is requesting a Special Use Permit for a parking lot on the property located at 126 Cheeks Lane. The property is approximately 0.98 acres and is zoned R-18 (Residential, Low Density). According to the application packet, Mr. Bice is proposing to demolish the current house on the lot and make a gravel parking area to serve the Rivermill Charter School located across Cheeks Lane. A Special Use Permit is required for a parking lot in a residential district when it serves a non-residential use.

The parcel is located inside the Graham Extraterritorial Jurisdiction where municipal water and sanitary sewer service is not available, but unneeded. The surrounding properties are zoned R-18 (Residential, Low Density) and (B-2 General Business).

Findings of Fact and Conclusions of Law:

Conditions Listed in Section 10.144 of the *City of Graham Development Ordinance*

- 1) That all applicable regulations of the zoning district in which the use is proposed are complied with.
- 2) That conditions specific to each use, identified by this Ordinance are complied with.
- 3) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
- 4) That the use will not substantially injure the value of adjoining property or that the use is a public necessity.
- 5) That the location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
- 6) That satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Findings of Fact

- 1) Alan Bice with MDCB, LLC (Rivermill Charter School) applied for a Special Use Permit for a parking lot on January 25, 2010, for a property located at 126 Cheeks Lane, also identified as Alamance County Tax Map 8883354432 (Old Tax Map ID: 6-15-65).
- 2) The property is approximately 0.98 acres and is located inside the Graham Extraterritorial Jurisdiction and municipal water and sanitary sewer services are not available, but unneeded.
- 3) According to the application packet, Mr. Bice is proposing a gravel parking area to serve the Rivermill Charter School located across Cheeks Lane.
- 4) A Special Use Permit is required for a parking lot in a residential district when it serves a non-residential use.
- 5) The surrounding properties are zoned R-18 (Residential, Low Density) and B-2 (General Business).

- 6) According to the *City of Graham Growth Management Plan: 2000-2020*, the parcel is located in the Neighborhood Residential Recommended Land Development Type and is located in the Central Planning District.
- 7) The City of Graham staff **recommends approval** for the Special Use Permit Request by Alan Bice with MDCB, LLC (Rivermill Charter School) for a parking lot located at 126 Cheeks Lane with the following conditions:
 - Due to the permeability of the gravel lot and the fact that adjacent residential properties are served by onsite wells for potable water, the staff requests that no bus refueling, servicing or other maintenance be allowed on the property.
 - All landscape buffers be installed prior to the use of the property for bus parking.
 - Driveway entrance for parking lot must comply with Section 10.240. (4) of the City of Graham Development Ordinances, as if fully applicable.
 - A demolition permit must be issued by the City before the structures are torn down.
- 8) The City of Graham Planning Board unanimously recommended approval on February 16, 2010 for the Special Use Permit request.

Mayor Peterman made an invitation to the floor for anyone who would like to speak to come forward and be sworn in. No one was forth coming.

Mayor Peterman asked if Council had any questions for the staff. No questions were presented.

Upon Motion by Mayor Pro Tem Linens, second by Council Member Euliss, the Council voted unanimously to approve the Special Use Permit Request by Alan Bice for a parking lot located at 126 Cheeks Lane and adopt the Findings of Fact numbers 1 through 8 proposed by the Planning Department as the evidence submitted satisfies the requirements of Section 10.144 of the *City of Graham Development Ordinances*.

At 7:30 p.m. the Mayor closed the Public Hearing and reconvened Regular Session of the City Council.

Discuss Request by Vance County Historical Society:

City Manager Rollins advised that the Vance County Historical Society had made a request several years ago to borrow and display the City of Graham Corbitt vehicle for one week in Henderson, North Carolina. The City has historically approved the request by the Vance County Historical Society to transport and display the Corbitt vehicle with success.

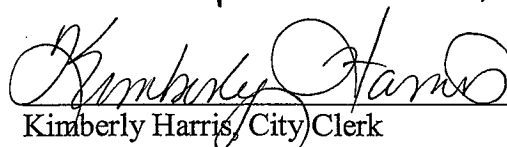
Upon Motion by Mayor Pro Tem Linens, second by Council Member Euliss the Council voted unanimously to approve the request by Vance County Historical Society, Inc. to transport and display the City of Graham Corbitt vehicle in Henderson, North Carolina through the weekend of May 1, 2010 with the condition that proof of insurance be provided to the City of Graham.

Issues Not Included on Tonight's Agenda:

Council Member Euliss asked that Officer Velez be commended for responding to a paint spill on Gilbreath Street.

Assistant City Manager Maness advised City Council that Amos Drive had been added to the list of City maintained streets and that rock had been put down on Amos drive.

There being no further business Council Member Turner moved to adjourn, motion seconded by Council Member Euliss, all voted aye.



Kimberly Harris, City Clerk