

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, FEBRUARY 3, 2015  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 3, 2015, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Jim Albright  
Council Member Lee Kimrey  
Council Member Chip Turner

**Also Present:**

Frankie Maness, City Manager  
Darcy Sperry, City Clerk  
Melissa Guilbeau, City Planner  
Jimmy Lloyd, Chief Code Enforcement Officer  
Melody Wiggins, Graham Recreation & Parks Director  
Nathan Page, City Planning Intern

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Rev. Marcia Isley, Pastor of St. James A.M.E. Church in Oak Ridge, NC gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Presentation of 2014 Graham Recreation and Parks Department Appreciation Awards**

Ms. Melody Wiggins, Graham Recreation and Parks Director, and Mr. Jay Cook, Chairman of the Graham Recreation and Parks Commission, presented awards to Shamrock Nutrition and Conklin Oil Co.


**Consent Agenda:**

- *Approval of Minutes – January 6, 2015 Regular Session.*
- *Tax Releases and Refunds.*

CITY OF GRAHAM RELEASE ACCOUNTS						
FEBRUARY CITY COUNCIL MEETING						
<u>ACCT#</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
435049	2014	867	BOWMAN, MAC DONALD	PP	SOLD BOAT IN 2013	7.10
115922	2014	535	BARE MARK ANTHONY	PP	SOLD BOAT IN 2013 (MOTOR)	18.43
115922	2014	534	BARE MARK ANTHONY	PP	SOLD BOAT IN 2013	24.30
565780	2014	7491	TAYLOR, ANNE R	RE	ALA CO CORRECTED SQUARE FOOTAGE	170.21

CITY OF GRAHAM REFUNDS							
FEBRUARY CITY COUNCIL MEETING							
ACCT#	YEAR	RECEIPT	NAME	RE/PP	REASON FOR REFUND		AMOUNT REFUNDED
565780	2010	7686	TAYLOR, ANNE R	RE	ALA CO CORRECTED SQUARE FOOTAGE		166.47
565780	2011	7567	TAYLOR, ANNE R	RE	ALA CO CORRECTED SQUARE FOOTAGE		164.50
565780	2012	7587	TAYLOR, ANNE R	RE	ALA CO CORRECTED SQUARE FOOTAGE		164.50
565780	2013	7506	TAYLOR, ANNE R	RE	ALA CO CORRECTED SQUARE FOOTAGE		164.50
633826	2014	3688	HOLLAR, SHIRLEY WADDELL	RE	QUALIFIED FOR HOMESTEAD EXEMPTION		232.11

➤ ***Tax Collector's Mid-Year Report and Date to Advertise Liens.***

MID YEAR REPORT January 28, 2015			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	918,008,031	0.0455	4,176,938.98
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	1,277,126		5,810.92
<u>ANNEXATIONS:</u>	11,083		50.43
<u>ABATEMENTS:</u>	(683,663)		(3,093.88)
CURRENT LEVY	918,612,577		4,179,706.45
OUTSTANDING REAL PROPERTY TAXES:			277,213.86
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>42,808.15</u>
TOTAL OUTSTANDING TAXES			320,022.01
CURRENT YEAR TAXES COLLECTED:			3,859,684.44
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			92.34%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT TO BEGIN ON THURSDAY, MARCH 12, 2015 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE APPROXIMATELY \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.			
Submitted by Sandy P. Callahan, Tax Collector 			

- ***Removal of Appearance Commission Member: Jeffrey LaGrange.***
- ***Appointment of Planning Board Member: Kenneth Dixon.***
- ***Annual Certification of Fire Fighters.***

Council Member Jim Albright made a motion to approve the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

## **Old Business**

***Public Hearing: Peak Resources (CR1404). Request by Harold Nunn to rezone property located at 600 N Main St & 217 College St (GPIN 8884075145 & 8884072069) from Office and Institutional (O-I) to Conditional Office and Institutional (C-O-I) to construct a 75,000sf, single-story nursing home.***

City Planner Melissa Guilbeau explained that the preliminary site plan has been reviewed by TRC and shows the main entrance to the facility to be off College St. with additional entrances to be off N. Main St. and W. Parker St. Council Member Lee Kimrey asked Ms. Guilbeau if she had received any concern about landscaping requirements, to which Ms. Guilbeau replied no. She indicated that the applicant has expressed verbally that they will meet the landscaping standards.

Mayor Peterman opened the Public Hearing.

Mr. Harold Nunn of 1100 Kelly Rd, Apex NC and Mr. Hugh J. Gilleece of 875 Walnut St, Cary NC stepped forward to speak. Mr. Nunn stated that he is the President of Peak Resources and Mr. Gilleece is the engineer for this project. Council Members inquired about bio-retention, landscaping and drainage. Both Mr. Nunn and Mr. Gilleece indicated that they will meet and/or exceed all required development standards.

Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved with the following conditions:

- The final landscaping plan shall conform to the landscaping requirements of the Development Ordinance;
- All signage shall conform to the requirements of the Development Ordinance; a freestanding sign up to 100sq<sup>2</sup> is not approved;

And the application is consistent with the *City of Graham Growth Management Plan 2000-2020*. Mayor Pro Tem Linens seconded the motion. All voted in favor of the motion.

## **Recommendations from Planning Board:**

***Public Hearing: Watercourse Apartments (CR1403). Request by ECO Watercourse, LLC to amend the preliminary site plan for the Conditional Residential (C-R) zoning for property located at 1050 Woody Dr (GPIN 8884724405).***

Ms. Guilbeau explained that the applicant is requesting to amend the preliminary site plan previously approved with the conditional rezoning. The applicant is requesting the following:

- Removal of trail along Town Branch, adjacent park area, and pedestrian bridge.
- Monument signs proposed both at the entrance to the development on Woody Dr. and at the corner of E Harden St and Woody Dr.
- Relocation of westernmost garage unit to across from Building 200 (this reflects an amendment that was administratively approved on October 17, 2014).
- Garbage compactor area reconfigured and reoriented to main drive (this reflects an amendment that was administratively approved on October 17, 2014).

- Relocation of mail kiosk from end of pool area to between Buildings 100 and 300 (this reflects an amendment that was administratively approved on October 17, 2014).

Council Member Kimrey asked Ms. Guilbeau if the three (3) administrative amendments listed are the only administrative approvals since Council approved the original plat. Ms. Guilbeau answered yes. Council Members discussed the parameters of the previously approved site plan including, but not limited to, the walking trail, sidewalk and gates. Council Member Jim Albright asked Ms. Guilbeau what options are available to the applicant with regards to constructing a sidewalk. Ms. Guilbeau indicated that the applicant can build a sidewalk as required by the overlay district or use the City's new Payment in Lieu option.

Mayor Peterman opened the Public Hearing. No comments were forthcoming and the Public Hearing was closed.

Council Member Kimrey asked Mayor Peterman to re-open the Public Hearing so that he may ask the applicant some questions. Mayor Peterman re-opened the Public Hearing.

Mr. John Fugo of 100 Arland Park Dr, Chapel Hill NC and Mr. John Ashness of 301 Glenwood Ave, Raleigh NC stepped forward to speak. Mr. Fugo is with Montgomery Development and Mr. Ashness is with the CE Group. Council Member Kimrey questioned Mr. Fugo about the designated wetland area of the property and the location of the previously proposed walkway and park areas. Mr. Fugo explained that they determined after much thought that the wetland map delineation made it difficult to construct a walkway that would be safe for its users. Council Member Kimrey expressed concern over the proposed removal of the park, pedestrian bridge, and eight (8) foot wide path. In addition, Council Member Kimrey questioned both gentlemen about the parking lots, clubhouse, maintenance buildings and garages, as well as the relocation of parking spaces, common area sidewalks and emergency access gate. Mr. Ashness explained that the conditional use zoning map used building templates that are not as refined as what is seen on the final plan. He stated that any adjustments, changes or refinements to the plan have been made to ensure the intensities towards the residential lots to the northern edge of the property have not been affected.

Mayor Peterman closed the Public Hearing.

Council Members further discussed between themselves the ideas of eliminating the sidewalk and the trail, the addition of the sidewalk easement, and the proposed signage.

Council Member Albright made a motion that the application be approved with the following condition:

- An easement for a future public sidewalk/trail along E Harden St (between Town Branch Creek and the street right-of-way) shall be recorded prior to issuance of the final Certificate of Occupancy.

Ayes: Council Member Albright, Mayor Pro Tem Linens, Mayor Peterman and Council Member Chip Turner  
Nays: Council Member Kimrey. Motion carried 4:1.

***Quasi-Judicial Public Hearing: Conklin UBD (SUP1405). Request by Jordan Conklin for a Special Use Permit for a Unified Business Development on property located at 1268 E Harden St (GPIN 8883997150).***

Mayor Peterman recessed the regular Council meeting in order to convene a Quasi-Judicial Public Hearing. Mayor Peterman polled the Council for any financial interests, fixed opinions or communications regarding the property. Mayor Peterman disclosed that he is neighbors with the Conklin's and has spoken to them about this project. He further stated that he believes that this will not affect his decision making capabilities but would recuse himself if the Council asked him to. No Council Member objected.

City Attorney Keith Whited swore in Ms. Guilbeau and Mr. Jordan Conklin.

Ms. Guilbeau explained that this is a request to add two (2) additional store fronts onto the existing building, currently Conklin Oil & Propane., making it a Unified Business Development. She further explained that the preliminary site plan submitted with the application includes the two (2) additional store fronts in addition to paving the parking lot which would allow for thirteen (13) parking spaces. Ms. Guilbeau pointed out to the Council that Mr. Conklin submitted a revised site plan on January 27, 2015, after the deadline for the February 2015 Agenda Packet. The revised site plan now includes a five (5) foot sidewalk vs the four (4) foot sidewalk, shown in this agenda packet, and also calls for the existing septic system to be abandoned and existing sections of gravel to be removed.

Council Member Kimrey asked Ms. Guilbeau if the two (2) existing properties to the western part of the property are single family homes. Ms. Guilbeau stated that from the Tax Assessor's data, they appear to be even though they are zoned Light Industrial.

Council Member Kimrey asked if single family homes are allowed as a permitted use in I-1. Ms. Guilbeau said that they are not so they would be non-conforming.

City Attorney Whited directed the staff report to be labeled Exhibit "A".

Council Member Albright asked Mr. Conklin if he had any tenants to go in there. Mr. Conklin stated that they are going to expand into the middle space themselves with a retail store and there is someone who's already spoken to move into the other building. Council Member Chip Turner asked Mr. Conklin who the other business would be. Mr. Conklin responded that it would be an insurance business.

Council Member Kimrey asked Mr. Conklin if he had any proposed plans for a sign. Mr. Conklin stated that he has not drawn his sign yet. Council Member Kimrey stated that with a Unified Business Development, one thing looked for is common signage along with common drive, common landscape and common parking.

City Manager Maness advised the Council that signage is not part of this approval.

Mr. Conklin asked the Council to do away with the Planning Board's recommended eight (8) foot evergreen buffer. He indicated that they are planning on replacing the existing wooden fence with a vinyl fence that would extend twenty-five (25) feet closer to the road.

Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Members discussed if they could change the screening buffer requirement to an eight (8) foot vinyl fence. Ms. Guilbeau advised that Council can change that requirement.

Council Member Kimrey made a motion that the application be approved with the following conditions:

- That a vinyl fence, eight (8) foot tall, be put on the western part of the property buffering it from the residential use;

And moved to adopt the Findings of Fact and Conclusions of Law as presented in the staff report and the application is consistent with *the City of Graham Growth Management Plan 2000-2020*, seconded by Council Member Albright. All voted in favor of the motion.

#### Findings of Fact and Conclusions of Law

1. All applicable regulations of the zoning district in which the use is proposed are complied with.

*The property is zoned I-1 and E Harden St/Highway 54 Overlay. "Unified Business Development" is permitted in the I-1 zoning district with a Special Use Permit and is not prohibited in the overlay district. The proposed development meets the area, height and yard regulations. Signs will require a sign permit. The proposed development complies with the site standards of the overlay district, with the exception of providing a 5' wide sidewalk (the proposed sidewalk is 4' wide). All other standards specific to the overlay district will be complied with before a building permit is issued.*

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

*The following requirements are specific to this use:*

- *Such developments shall abut a major thoroughfare, minor arterial, or collector street (existing or proposed). The property abuts NC 54/E Harden St, which is a minor arterial.*
- *All uses permitted in the B-2 district are permitted in a Unified Business Development, with the exception of certain uses which are not permitted. The only use specified for this Unified Business Development is the existing business, which is petroleum and petroleum products storage. That use is permitted in the B-2 district and is not prohibited in Unified Business Developments. All future uses to be located within the UBD will be required to obtain a Zoning Permit prior to occupancy.*
- *All business establishments shall be retail or service establishments dealing directly with the public. The only specified use – the existing petroleum business – directly serves the public. All future uses to be located within the UBD will be required to obtain a Zoning Permit prior to occupancy.*
- *All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The only specified use – the existing petroleum business – includes area that is not enclosed in a building. The preliminary site plan indicates that the applicant wishes to not include that area in this Special Use Permit. That area is located to the rear of the proposed Unified Business Development and behind a gate.*
- *An opaque screen shall be provided wherever, in the city council's judgment, such screening is necessary to shield adjacent residential districts. The property to the rear of this property is zoned residential, but it is currently heavily wooded. The properties to the west of this property are zoned light industrial but are occupied by single family homes.*

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

*The proposed Unified Business Development will not materially endanger the public health or safety.*

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

*The proposed Unified Business Development will not substantially injure the value of adjoining property.*

5. 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.

*The proposed Unified Business Development is a commercial use that will be located along a five-lane highway corridor and is in general conformity with the Growth Management Plan 2000-2020.*

6. 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.

*Satisfactory provision has been made for vehicle circulation, parking and loading, service entrances and areas, and utilities.*

### **Request by Friends of Graham Recreation and Parks for Appropriation**

Graham Recreation and Parks Director Melody Wiggins explained that this request is for seed money for the recently formed non-profit “Friends of Graham Recreation and Parks” 501c3 organization. She advised that many Parks and Recreation Departments across the state and country have always had “Friends” groups set up in order to receive tax deductible donations and gifts. The seed money would be for the cost of the non-profit application and other start-up expenses incurred.

Mr. Jay Cook of 924 Hanford Rd, Graham NC stepped forward to speak. Mr. Cook is the Chairman of the “Friends of Graham Recreation and Parks” organization. Mr. Cook told the Council that they did not feel it was appropriate to use donations for start-up expenses which is why they are asking the City for funding.

Mayor Peterman moved to approve two-thousand (\$2,000.00) dollars to the “Friends of Graham Recreation and Parks”, seconded by Council Member Kimrey. All voted in favor of the motion.

### **Discussion of Staffing Levels**

City Manager Maness wanted to point out to Council and the general public his thought process when considering staffing. He explained that with any decision he or his staff make, they try to look at the bigger picture such as the revenue needed to support things and the recurring vs non-recurring expense. Mr. Maness identified Animal Control Officer, Assistant City Manager and Code Enforcement Officer (Building Inspector) as positions that merit consideration in the upcoming budget cycle.

Council Members and Mr. Maness discussed the impact these positions and future staffing level needs may have on the general fund. Mr. Maness indicated that the need for an additional Code

Enforcement Officer may be top priority in the coming months due to the increase in new building projects.

Mayor Pro Tem Linens asked if there was money in the budget to go ahead and hire a Code Enforcement Officer now. Mr. Maness said that there are standing agreements with the Cities of Burlington and Mebane and Alamance County that allow for sharing of resources if need be. It was agreed by all that they would further discuss staffing levels at the upcoming budget retreat.

Mr. Maness advised Council of the tentative date of February 24, 2015 for the budget retreat. He advised that City Clerk Darcy Sperry would send an email to Council to advise exact date and time.

### **Issues Not Included on Tonight's Agenda**

Mayor Peterman announced that this is Ms. Guilbeau's last Council meeting – as she and her family will be relocating. Both Mayor Peterman and Mr. Maness thanked Ms. Guilbeau for her hard work and dedication to the City over the past two and a half (2 ½) years. Mayor Peterman introduced Planning Intern Nathan Page and announced that Mr. Page would be filling in as City Planner when Ms. Guilbeau leaves.

Mayor Peterman also made mention of the new LED streetlights that are being installed in the City.

At 8:34 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

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Darcy Sperry, City Clerk