

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, SEPTEMBER 1, 2015
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 1, 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 Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Darcy Sperry, City Clerk
Nathan Page, City Planner
James Lloyd, Chief Code Enforcement Officer
Melody Wiggins, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Jimmy Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.


Consent Agenda:

- a. Approval of Minutes – August 4, 2015 Regular Session*
- b. Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS						
SEPTEMBER 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>
43036	2015	8076	WOLF, JACK H	RE	VALUE CORRECTED BY ALA CO	234.04
608932	2015	7080	STUTTS, JANICE B L/E	RE	HOMESTEAD EXEMPTION	228.57
115922	2015	476-477	BARE, MARK ANTHONY	PP	BOAT & MOTOR DOUBLE LISTED	144.42
140579	2015	7411	TINNIN, FRANK LEE	PP	BOAT DOUBLE LISTED	73.53
163572	2015	4878	MCGHEE, HOWARD LEE JR	PP	CORRECT VALUE OF BOAT	5.46
192070	2015	1068	BURKE REALTY OF ALAMANCE	PP	NOT IN CITY OF GRAHAM 2015	7.37
533662	2015	1567	COBB, EDWARD BRANELL	PP	SOLD BOAT IN 2013	2.41
611784	2015	3015-3016	GRAHAM MARINE SALES	PP	SOLD BOAT & MOTOR IN 2014	19.43
614337	2015	2081-2083	DEAN, JOEL ALAN	PP	SOLD BOAT & JET SKIS IN 2014	16.16
652020	2015	4314	LEBERT, DONALD	PP	MOBILE HOME DOUBLE LISTED	19.43

CITY OF GRAHAM REFUNDS						
SEPTEMBER COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
172210	2015	4922	MCSWAIN, JAYSON TODD	RE	CORRECTED VALUE ON BOAT (TAX PAID IN FULL)	5.01

- c. Boards & Commissions Appointments*

Memorandum								
To: Graham City Council cc: Frankie Maness From: Darcy Sperry Date: 9/1/2015 Re: Boards and Commissions Vacancies and Requests for Appointments								
<p><u>New Appointments</u></p> <table border="1"> <thead> <tr> <th style="text-align: left;"><u>Board</u></th> <th style="text-align: left;"><u>Name</u></th> <th style="text-align: left;"><u>Term Expiration Date</u></th> </tr> </thead> <tbody> <tr> <td>Graham Appearance Commission</td> <td>Jan Seads</td> <td>6/30/2019</td> </tr> </tbody> </table>			<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>	Graham Appearance Commission	Jan Seads	6/30/2019
<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>						
Graham Appearance Commission	Jan Seads	6/30/2019						

08/26/2015

Dear City Council Members,

As required by General Statute of North Carolina, the governing body of a municipal fire district must appoint two of five members to serve on the Local Firefighter's Relief Fund Board. Due to the loss of board member James McClure and the out of fire district residency of Don Bulla I request that Ray Fogleman and Billy Braxton be appointed as Relief Fund Trustees by the Graham City Council.

Respectfully Submitted,

John c. Andrews Jr.



Chief Graham Fire Department

d. Request from Graham First United Methodist Church to close East Market Street on October 31, 2015 from 5:00pm-7:00pm for a Community Trunk or Treat event

Mayor Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jim Albright asked to pull item "d. Request from Graham First United Methodist Church to close East Market Street on October 31, 2015 from 5:00pm-7:00pm for a Community Trunk or Treat event."

Council Member Lee Kimrey made a motion to approve items "a", "b" and "c" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Council Member Albright pointed out that the actual request was for East Market Street to be closed from 3:30pm-8:00pm with the event to be held from 5:00pm-7:00pm.

Mayor Peterman made a motion to approve the Request from Graham First United Methodist Church to close East Market Street on October 31, 2015 from 3:30pm-8:00pm for a Community Trunk or Treat event, seconded by Council Member Albright. All voted in favor of the motion.

Old Business:

a. Public Hearing: City of Graham Comprehensive Plan. Review of Final Draft:
i. Adoption of City of Graham Comprehensive Plan 2035

City Planner Nathan Page explained that this is an update to the City's Growth Management Plan 2000-2020 which has served as the City's comprehensive plan since May 2, 2000. He further stated that over the past two (2) years, the City has worked to draft a new comprehensive plan to guide the City's decisions over the next twenty (20) years. Mayor Peterman opened the Public Hearing.

Mr. Roger Walden, 108 Bristol Drive Chapel Hill, NC stepped forward to answer questions from the Council. Mr. Walden represents Clarion Associates who was the City's consultant on this project. Mr. Walden offered his professional and personal thanks to the members of the Steering Committee.

Council Members expressed their desire to have Strategy 2.4.2: Establish Communications and Coordination Mechanisms with the Alamance-Burlington School System moved from a Mid-Term Priority to a Near-Term Priority. In addition, they asked for Regional Transit to be listed as a Long-Term Priority in this plan.

Ms. Marcy Green, 6808 Whitsett, and Mr. Griffin McClure, 501 Grandview Drive Graham, NC, both stepped forward to express their support for this new plan.

Council Member Kimrey expressed concern over the word "designate" used in conjunction with the North Main Street National Historic District. In addition, he expressed concern over "accessory dwelling units" and the word "should" pertaining to automobile parking on the street, which are both located in the Suburban Residential section of the plan. Council Member Kimrey stated that he felt the word "consider" would be more appropriate in place of "designate". Mr. Walden agreed and suggested that it could read something along the lines of "continue to consider the possibility of North Main Street becoming a Local Historic District".

After much discussion about the Suburban Residential section of the plan, Mr. Walden suggested moving "accessory dwelling unit" from Principal Uses to Supporting Uses and have language along the lines of "may include accessory dwelling units provided that they maintain the character of the area in which they are located." Additionally, Mr. Walden suggested "should" be changed to "it is desirable that automobile parking be located on the street." Mayor Peterman suggested that the word "encourage" could be used in place of the word "should" when talking about parking on the street. Council agreed with these changes.

Mr. Page suggested to Council that the following be used in conjunction with adding Regional Transit as a Long Term Priority: Strategy 3.2.5. Consider coordinating within the region to implement a transit system for citizens to access the governmental offices located in downtown Graham and increase accessibility to the Alamance Community College as a long term goal. Council was in agreement. Mayor Peterman closed the Public Hearing.

Mayor Peterman made the motion to approve the Comprehensive Plan as written, including the changes, and become effective September 5, 2015, seconded by Mayor Pro Tem Linens. All voted in favor of the motion. Mayor Peterman thanked Mr. Walden for all of his work on this plan and also asked staff to send thank you letters to the members of the Steering Committee.

RESOLUTION ADOPTING *THE GRAHAM 2035 COMPREHENSIVE PLAN*

WHEREAS, The *City of Graham Growth Management Plan 2000-2020* has served as the City of Graham's comprehensive plan since it was adopted on May 2, 2000; and

WHEREAS, *The Graham 2035 Comprehensive Plan* is the guiding policy document for Graham and provides the community an opportunity to outline how it will grow through visions, goals, and policies. The Plan is implemented through action-oriented strategies that address issues including opportunities downtown and in key potential growth areas, local and regional transportation, public facilities and services, the natural environment, Graham's historic character, housing and neighborhoods, and economic growth and development; and

WHEREAS, over the past year and a half, the City of Graham has worked with Clarion Associates, local steering committee members, business owners, community leaders, and several citizens to develop a new comprehensive plan to guide the City of Graham's decisions over the next 20 years; and

WHEREAS, three public workshops were held on April 8, 2014, November 17, 2014, and September 1, 2015, three notices in the City GRAM newsletter were distributed to all City of Graham Water Customers, 50 signs were placed at intersections throughout the City and our current and proposed extraterritorial jurisdiction, and various social media outlets promoted the development process of *The Graham 2035 Comprehensive Plan*; and

WHEREAS, the City of Graham Planning Board recommended approving *The Graham 2035 Comprehensive Plan* on March 17, 2015; and

NOW, THEREFORE BE IT RESOLVED, the City Council of the City of Graham, North Carolina hereby adopts *The Graham 2035 Comprehensive Plan* for the City of Graham and its jurisdiction, replacing the *City of Graham Growth Management Plan 2000-2020*. *The Graham 2035 Comprehensive Plan* as herein adopted shall be City of Graham's comprehensive plan in accordance with North Carolina General Statutes Section 160A-383.

BE IT FURTHER RESOLVED, *The Graham 2035 Comprehensive Plan* shall provide guidance to City Council of the City of Graham, North Carolina, advisory members, staff, citizens, and potential applicants in understanding the City of Graham's stated policies and preferences. The City Council of the City of Graham, North Carolina and staff may also use *The Graham 2035 Comprehensive Plan* to provide guidance on developing future work plans, strategies, and budgeting decisions.

This Resolution shall be in full force and effect on September 5, 2015.

Adopted this 1st day of September, 2015 by the City Council of the City of Graham, North Carolina.


Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

b. Graham Area Business Association to Discuss Purchase of Holiday Decorations

City Manager Frankie Maness explained that the Graham Area Business Association advised they would like to remove this item from consideration. Council Member Turner made a motion to withdraw this item, seconded by Council Member Albright. All voted in favor of the motion.

Requests and Petitions of Citizens

➤ ***Roger Springs (S1501). This is an application by Green Mountain Engineering for a new Major Subdivision off of Rogers Road, east of the South Graham Municipal Park***

Mr. Page explained that this is a request to create a new major subdivision on the subject property for forty-one (41) lots. He added that the property is currently vacant and the proposal includes connecting existing road stubs and advised that the applicant has recently requested the removal of a path to the South Graham Municipal Park.

Mr. Greg Garrett, 221 Jonestown Road Winston-Salem, NC, stepped forward to answer questions from the Council. Mr. Garrett represents Shugart Enterprises, the builder for this project. Mr. Garrett advised that the homes being proposed for this project will be similar to those they are currently building in the South Park subdivision in Graham. He further stated that the target buyer for this proposed subdivision is the “empty-nest” buyer – one looking to downsize but stay in Graham. Mr. Garrett advised that there are several reasons as to why they are opposed to constructing the path to the park. He went on to say that one reason is safety. He advised that

grade change in the property would make constructing the path problematic. He also expressed concern as to where the path would tie into Rogers Road. Mr. Garrett stated that they believe the best connection and access to the Park is via Thompson Road, where there is already a handicapped accessible sidewalk. He further stated that the cost to construct the path would equate to approximately one thousand dollars (\$1,000) per lot and they don't see their buyers as wanting to pay that additional cost.

Following discussion about the path grade, the existing gravesites within the proposed plan, access roads to and from the proposed subdivision and clarification of the proposed name "Rogers Spring", Mr. McClure stepped forward to express his concern for crossing Rogers Road at Thompson Road. He believes that it would be more dangerous for citizens to cross at the crest of the hill which is where Mr. Garrett is proposing. He further stated that if the City is really committed to growing a greenway system that links parks to our neighborhoods, he encourages Council to explore constructing a path. Graham Recreation & Parks Director Melody Wiggins stepped forward and advised that ADA surfacing is not limited to asphalt. She added that access to parks is what "empty nesters" are looking for. Ms. Wiggins further stated that the Recreation & Parks Department is advocating that we get access and connectivity to parks every chance we get.

Being no further discussion, Council Member Kimrey made a motion to recommend approval with the following condition:

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued;

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

Approve Engineering Contract for Phase I Graham Recreation Complex (Jim Minor Road Park)

Mr. Maness explained that just as we awarded contracts last month for projects that we are working on, we need to award the engineering contract for Phase I of our Recreation Complex which Council approved project budget funding for two months ago. Mr. Maness explained that we received two (2) proposals for this project. After he and Ms. Wiggins reviewed both proposals, they are recommending that Council award the contract to Alley, Williams, Carmen & King whose bid is estimated at eighty-eight thousand dollars (\$88,000).

Council Member Kimrey asked if changes had been made with the location of the shelter in this first phase of development. Ms. Wiggins advised that the pods have changed and the playground is now closest to the shelter proposed in this first phase.

Mayor Pro Tem Linens made the motion we award the engineering contract for the City of Graham Recreation Complex to Alley, Williams, Carmen & King, seconded by Council Member Turner. All voted in favor of the motion.

Resolution Providing Approval of a Multifamily Housing Facility to be Known as Oneida Mill Lofts in the City of Graham, North Carolina and the Financing Thereof with the Burlington Housing Authority's Multifamily Mortgage Revenue Note in an Amount Not to Exceed \$8,000,000

Mr. Maness explained that part of the funding mechanism for the Oneida Mills project is the issuance of private activity bonds, up to eight million dollars (\$8,000,000). He further explained that the City of Graham and the Graham Housing Authority can issue these bonds on behalf of the developer but neither agency has the resources or expertise to effectively manage the process. The

developer has reached out to the Burlington Housing Authority, who has experience, and they have agreed to issue these bonds. A public hearing has been held in Burlington at which both the Burlington Housing Authority and the Burlington City Council have agreed to help with the issuance of these bonds. Mr. Maness stated that because the project is located within Graham's corporate limits, consent from the City of Graham must be given to allow Burlington Housing Authority to issue these bonds.

Following discussion, Council Member Albright made the motion to approve the resolution providing approval of a multifamily housing facility to be known as Oneida Mill Lofts in the City of Graham, North Carolina and the financing thereof with the Burlington Housing Authority's multifamily mortgage revenue note in an amount not to exceed \$8,000,000, seconded by Council Member Kimrey. All voted in favor of the motion.

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY HOUSING FACILITY TO BE KNOWN AS ONEIDA MILL LOFTS IN THE CITY OF GRAHAM, NORTH CAROLINA AND THE FINANCING THEREOF WITH THE BURLINGTON HOUSING AUTHORITY'S MULTIFAMILY MORTGAGE REVENUE NOTE IN AN AMOUNT NOT TO EXCEED \$8,000,000

WHEREAS, the City Council of the City of Graham (the "City") met in Graham, North Carolina at 7:00 p.m. on the 1st day of September, 2015; and

WHEREAS, the Burlington Housing Authority (the "Authority"), a public body and body corporate and politic organized and operating pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended (the "Act"), has tentatively agreed to issue its multifamily mortgage revenue note in an amount not to exceed \$8,000,000 (the "Note"), for the purpose of financing the acquisition of the Oneida Mills cotton mill and the renovating and equipping therein by Pumpkin Hill Mill, LLC, a North Carolina limited liability company (the "Borrower"), or an affiliate or subsidiary thereof, of a mixed income multifamily residential rental facility to be known as Oneida Mill Lofts (the "Development"); and

WHEREAS, the Development will consist of approximately 134 units, located on an approximately 6.8 acre site at 219 West Harden Street in the City of Graham, Alamance County, North Carolina; and

WHEREAS, pursuant to Section 157-39.1 of the Act, the jurisdiction of the Authority extends to up to ten miles outside the city limits of the City of Burlington, including the City of Graham, so long as the City of Graham consents to the exercise of such powers by the Authority within the borders of the City of Graham; and

WHEREAS, the City of Graham acknowledges that the acquisition of Oneida Mill and the renovation thereof into affordable housing will satisfy a need for affordable housing within the City of Graham, and further the City of Graham desires to consent to the issuance by the Authority of the Note to finance the Development within the borders of the City of Graham; and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that any notes issued by the Authority for the Development may only be issued after approval of the plan of financing by the City following a public hearing with respect to such plan; and

WHEREAS, on August 6, 2015, the Authority held a public hearing with respect to the issuance of the Note to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Note as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Note is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Note or the Development or the creditworthiness of the Borrower, nor shall such approval in any event be construed to obligate the City of Graham, North Carolina for the payment of the principal of or premium or interest on the Note or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority, or to constitute the Note

or any of the agreements or obligations of the Authority an indebtedness of the City of Graham, North Carolina, within the meaning of any constitutional or statutory provision whatsoever;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM:

1. The City Council hereby consents to and approves the issuance by the Authority of its multifamily mortgage revenue note to provide financing for the acquisition, rehabilitation and equipping of the Development within the jurisdiction of the City of Graham.

2. The proposed mixed income housing development consisting of the acquisition, rehabilitation and equipping of the Development described above in the City of Graham, Alamance County, North Carolina by the Borrower and the issuance of the Authority's multifamily mortgage revenue note therefor in an amount not to exceed \$8,000,000 are hereby approved for purposes of Section 147(f) of the Code. The Mayor is hereby authorized to execute such approval certificates as may be required to evidence the City's approval of the issuance of the Note for purposes of Section 147(f) of the Code.

3. This resolution shall take effect immediately upon its passage.

Council member Jim Albright moved the passage of the foregoing resolution and Council member Lee Kimrey seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members Jerry Peterman, Jimmy Linens, Jim Albright, Chip Turner and Lee Kimrey

Nays: None

Not voting: None

CERTIFICATION

I, Darcy L. Sperry, City Clerk of the City of Graham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Graham, North Carolina, in regular session convened on September 1, 2015.

WITNESS my hand and the corporate seal of the City of Graham, North Carolina, this the 1st day of September, 2015.


City Clerk



Consider Offer to Purchase City Property (former Mid-State Magic Property)

Mr. Maness explained that approximately one (1) year ago, Council sought to list this piece of vacant property owned by the City, with a real estate agent. Mr. Maness stated that the City has received an offer in the amount of one hundred seventy-five thousand dollars (\$175,000). He further stated that the City has approximately three hundred thirty-five thousand dollars (\$335,000) invested in this property.

Mr. Maness reminded Council that a few years back, Council had established a per acre price of seventy-two thousand five hundred dollars (\$72,500).

Being no further discussion, Council Member Lee Kimrey made the motion that we do not accept the offer and authorize the City Manager to seek or negotiate higher offers, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

First Reading of an Ordinance to Amend Chapter 2, Division 4 of the Code of Ordinances

Mr. Maness explained that our Fire Department has requested we amend our ordinance to allow their volunteer pool to extend up to two (2) miles outside the City's corporate limits. He advised that our current ordinance restricts residency to up to one (1) mile from the corporate limits. Mr. Maness also added that we are looking to change the reference from part-time to volunteer throughout the ordinance.

Mayor Pro Tem Linens made the motion to move the Ordinance to amend Chapter 2, Division 4 of the Code of Ordinances, seconded by Council Member Albright. All voted in favor of the motion.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM,
AMENDING CHAPTER 2, DIVISION 4 OF THE CODE OF ORDINANCES OF THE
CITY OF GRAHAM, NORTH CAROLINA**

- **DIVISION 4. - VOLUNTEER FIREFIGHTERS**

- **Sec. 2-275. - Membership qualifications; benefits generally.**

(a) All **volunteer** members of the city fire department shall be residents of the city or reside within **two miles** of the city limits. A **volunteer** firefighter moving outside the city limits or the **two-mile** limit must resign from the fire department unless he requests a hearing before a committee consisting of the mayor, city manager and fire chief. This committee, appointed by the city council, has the authority to determine if the firefighter is eligible to remain a member of the fire department. Decisions made by the committee shall be final. Applicants must be 18 years of age, of good character, and have a doctor's report attesting to their physical fitness.

(b) Any firefighter who shall have served the fire department for ten years shall be eligible for honorary membership.

(c) Any firefighter, active or retired, with 20 years service shall receive all the following benefits in acknowledgment of, and in grateful appreciation of, his devotion to public service:

- (1) North Carolina Firemen's Fraternal Life Insurance dues and North Carolina Firemen's Pension Fund dues will be paid by the city.
- (2) He shall have a life appointment to the position of honorary firefighter.
- (3) He shall have a free city firefighter tag.

(d) Full-time firefighters shall also receive benefits as may be provided by the city for regular employees.

- **Sec. 2-276. - Compensation.**

(a) Each year in the budget, the city council shall make an appropriation to the fire department for **volunteer** firefighter's fees.

(b) This sum is to be paid to each member for attendance at fires, trainings and meetings. The fees shall be distributed at the end of each November.

(c) With the exception of the full-time chief, the above shall apply to full-time firefighters when on call back duty only.

- **Sec. 2-277. - Records.**

The treasurer of the fire department shall keep a record of the funds and disbursements thereof, relating to **volunteer** firefighters, received from sources other than city appropriations, which shall be open to inspection by the city manager at all times.

- **Sec. 2-278. - Dismissal for failure to meet training requirement.**

At the end of the calendar year, any **volunteer** firefighter who has failed to meet the 36-hour training requirement required by the state shall be dismissed from the fire department.

Issues Not Included on Tonight's Agenda

Mr. Jamie Gerhart, 4605 Sycamore Shoals Durham, NC, informed Council that the Sheetz sponsored 1st Annual DC Burlington Double Elimination Cornhole Tournament will be held on September 26, 2015. All proceeds will benefit Sheetz Family Charities.

Council Member Kimrey inquired as to the status of reviewing the City's personnel policy. Mr. Maness advised that the City is currently working on the pay study and position classification plans. Like with many changes, Mr. Maness advised that this is something that we are probably going to need consultant and legal review prior to adoption.

Mr. Maness extended congratulations to Burlington City Manager Harold Owen on his recent retirement. He went on to say that he is proud to consider himself a colleague of Mr. Owen.

Mayor Peterman advised Council that the joint meeting requested by the Planning Board between Council and the Planning Board will not take place. He further advised that he will attend the Planning Board's next scheduled meeting and advise them of this decision. Mayor Peterman stated that the issue the Planning Board had was with the payment-in-lieu system for sidewalks and has since been resolved.

Mayor Peterman welcomed Mykonos, a new Greek restaurant, to Graham.

At 9:20 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Albright. All voted in favor of the motion.

Darcy Sperry, City Clerk