

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 5, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, July 5, 2016, 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 Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Duane Flood, Lieutenant Graham Police Department

Absent: Keith Whited, City Attorney

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.

Honorary Proclamations and Presentations:

➤ ***2016 Alamance Christian School Varsity Ladies Soccer Team***

Mayor Peterman presented Coach Bob LaTour a proclamation honoring the team's recent State Championship. Mr. LaTour recognized those players in attendance and stated how proud he is of his team and their accomplishments.

**PROCLAMATION HONORING THE ALAMANCE CHRISTIAN SCHOOL
VARSITY LADIES SOCCER TEAM**

WHEREAS, the Alamance Christian School Varsity Ladies Soccer Team won the North Carolina Christian Schools Association Annual State Championship on May 14, 2016; and

WHEREAS, Alamance Christian School Varsity Ladies Soccer Team defeated Faith Christian School in double overtime by a score of 5-4; and

WHEREAS, the Alamance Christian School Varsity Ladies Soccer Team finished the season with a record of 14-1; and

WHEREAS, we recognize the following team members with great pride:

<i>Marianne Freeman</i>	<i>Victoria Briggs</i>
<i>Kailyn Florence</i>	<i>Isabella Greene</i>
<i>Chelsea Rudd</i>	<i>Maddie Varga</i>
<i>Jannah Brann</i>	<i>Martina Rivoira</i>
<i>Hailey Ingle</i>	<i>Kaylee Gregory</i>
<i>Maryssa Daugherty</i>	<i>Amanda Parsons</i>
<i>Hannah Ingle</i>	<i>Emily Hernandez</i>
<i>Savannah Congdon</i>	<i>Emily Myers</i>
<i>Tory Goldson</i>	<i>Brittany Dean</i>
<i>Erica Lewis</i>	<i>Miah Barlow</i>
<i>Olivia Verroi</i>	

Coach: Bob LaTour

Assistant Coaches: Bobby LaTour, Aaron Wall, Scott Briggs, Ken Delorge

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby express congratulations for the significant accomplishments achieved by the Alamance Christian School Varsity Ladies Soccer Team and also our gratitude for the pride and recognition they have brought to themselves, Alamance Christian School, and the community.

This the 5th day of July 2016.

Jerry Peterman, Mayor
City of Graham

➤ **2016 Business Beautification Award**

Graham Appearance Commission Chairman Elaine Murrin presented this year's award to Ms. Sandra Thompson, General Manager of Wendy's.

Consent Agenda:

- a. Approval of Minutes – June 7, 2016 Regular Session*
- b. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
JULY 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>
541119	2014	1205	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1972 BOAT SOLD	5.01
541119	2015	1144	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1972 BOAT SOLD	5.01
541119	2015	1146	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1970 JON BOAT SOLD	5.01
197037	2012	8416	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM	1.23
197037	2014	8355	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-2006 BOAT	6.32
197037	2015	8041	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-2006 BOAT	2.43
197037	2015	8042	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-06 BOAT MOTOR	5.92

c. Appearance Commission Appointment

Council Member Lee Kimrey made a motion to approve the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Recommendations from Planning Board:

- a. **Public Hearing: Knightdale Residential (RZ1602).** This is a request from Chris Foust to rezone property at 2225 Lacy Holt Road from R-18 to R-9 (GPIN 8872499679 & 8872590389)*

Planning Director Nathan Page explained that the original proposal as presented is to rezone approximately seventeen (17) acres from R-18 to R-9. Mr. Page added that the property currently has a single family home on it and that there is water and sewer availability along Lacy Holt Road. He further added that the Planning Board recommended approval for the first 250 feet off of Lacy Holt Road, with the balance of the lot to remain R-18.

Mr. Chris Foust, 1851 South Main Street Graham, stepped forward to speak. Mr. Foust advised that he had had a meeting last week with the neighbors of this property in hopes of answering any questions they may have. He said that he is willing to compromise and only rezone the property up front to R-9 and keep the back property R-18. He added that he would like for the R-9 lots to be annexed into the City. Council Members discussed with Mr. Foust the topography of the property, the setback numbers and the total number of lots Mr. Foust thinks he could end up with. Mr. Foust stated that he thinks he will have five (5) or six (6) lots facing Lacy Holt Road and a total of ten (10) to twelve (12) lots and feels as though he could make it work with a 230 foot setback.

With no further discussion, Mayor Peterman opened the Public Hearing.

The following expressed concern with this rezoning request:

- Ms. Sandra Lefrancois – 973 Stonehaven Drive Graham
- Ms. Dorothy Holt – 2305 Lacy Holt Road Graham
- Mr. Bob Conner – 2214 Lacy Holt Road Graham

Mr. Tom Balchin, 2361 Knightdale Drive Graham, stepped forward and thanked the Council Members for hearing from the residents. He stated his appreciation for Mr. Foust's openness with the residents and hoped that Council will vote to accept the Planning Board's recommendation.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members and staff discussed the Planning Board's recommendation of the 250 foot setback. City Manager Frankie Maness cautioned the Council that without actually having a map of future development for this property, you run the risk of potentially having a parcel with split zoning and he recommends Council think about that and maybe try to avoid that if the opportunity presents itself. Council Members asked Mr. Foust what the current depth was for the lots facing Lacy Holt Road. Mr. Foust advised that they are 234 feet and 232 feet.

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

- Property facing Lacy Holt Road to be rezoned to R-9 for a depth of 230 feet

And that the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:
i. Off Street Parking (AM1613)

Mr. Page explained that this proposed amendment pertains to off street parking. This proposed amendment permits additional parking spaces for drive thru restaurants and groups similar land uses under the same requirements.

Mayor Pro Tem Linens asked Mr. Page if this change is in line with what other cities and municipalities have, to which Mr. Page answered yes.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Mayor Pro Tem Linens made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Griffin McClure. All voted in favor of the motion.

ii. Table of Permitted Uses (AM1614)

Mr. Page explained that this proposed amendment was to remove duplicate entries and condense similar land uses in the Table of Permitted Uses. He advised that currently waste incinerators appears in the table three (3) times and that barber shops and beauty shops are listed separately even though they are similar land uses.

Council Members, while agreeing that we probably need to condense our Table of Permitted Uses, expressed concern that the proposed changes will eliminate the use by right that currently exists for some uses. Upon a recommendation from Mayor Peterman, Council Member Kimrey made a motion to table this item to next month's meeting. Council Member Turner seconded the motion and all voted in favor of the motion.

Wayfinding Report

Mr. Page explained that per a request from Council at last month's meeting, he researched the idea of Wayfinding in the Downtown Business Area. He added that while the signs he is proposing are a temporary measure, they will give us an idea of the utilization and the demand for additional signage in the area. Mr. Page stated that he is asking Council to approve a budget of \$500 for these signs which will allow twenty-five (25) signs to be posted throughout the downtown area.

Council Member McClure questioned staff about the QR code that is pictured on one of the signs. He asked if the City would be able to track the use of that QR code. Mr. Maness said that he believes the City's IT department would be able to track hits to the City's website based on the use of QR codes.

By consensus, Council Members unanimously approved a budget of \$500 for Wayfinding signage.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City Manager and City Attorney

At 8:01 p.m. Council Member McClure made a motion to go into closed session to consider the performance of the City Manager and City Attorney, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

At 8:40 p.m. Mayor Peterman reconvened the regular session. Mayor Peterman read the following prepared statement:

We can never overcome what other cities are paying, but we need to make sure Frankie knows that we appreciate him more than we can afford to pay. We are offering him a 4% increase in salary which will bring him to \$120,188.69 and that's effective July 1st.

Council Members took turns expressing their appreciation and thanks to the outstanding job Mr. Maness has done ranging from his communication with Council to his efforts with both the Walmart and Lidl projects.

Mayor Peterman made a motion that Mr. Maness' salary be increased to \$120,188.69 effective July 1, 2016, seconded by Council Member Turner. All voted in favor of the motion.

Mayor Peterman advised those in attendance that prior to the closed session, Mr. Tom Boney of the Alamance News had inquired as to the legality of discussing the performance of the City Attorney in closed session, as the City Attorney is a contract employee.

Mayor Peterman said that he had referred to the Robert's Rules of Order and advised that Council did not review the City Attorney's performance in closed session. He added that they would instead conduct his review in the open session.

Mayor Peterman informed Council that City Attorney Keith Whited has proposed a work arrangement which would make him a part time employee of the City. Mr. Whited's proposal calls for him to work eight (8) hours per week from an office located in City Hall. Mayor Peterman asked Mr. Maness about this proposed arrangement. Mr. Maness stated that Graham has never had an attorney on staff and said that he would gain comfort in having someone in the office to provide legal assistance.

After much discussion about how the arrangement would work, Mayor Peterman stated that he feels Mr. Whited should be present before Council rules on anything specific. Mayor Peterman stated that he will ask Mr. Whited to continue until next month's meeting with the current arrangement.

Issues Not on Tonight's Agenda

Mayor Peterman asked Lieutenant Duane Flood of the Graham Police Department for an update on the Police and Recreation Departments Halloween festivities. Lieutenant Flood advised that progress is still moving forward.

Mayor Pro Tem Linens told of recently being contacted by a citizen who expressed concern over the manhole covers on South Main Street. It was pointed out that these manholes are the responsibility of North Carolina Department of Transportation and all inquiries should be forwarded onto them. Council Member Kimrey asked the media present at the meeting to consider publishing something letting the citizens of Graham know who to contact about this matter.

Council Member McClure thanked the Alamance Arts Council for their efforts in bringing the Chihuly art exhibit to Graham.

Council Member McClure expressed concern that our citizens do not know how to use the new Link Transit system and asked about the City making some sort of public announcement either by a City sponsored event or an insert in the monthly water bills. Council Member Kimrey stated that he disagrees with spending City funds to advertise a project the City chose not to sponsor. After discussing the matter further, Council Member McClure asked if private funds could be used to make an announcement in the water bills. Mr. Maness advised that would be alright.

Mr. Maness thanked Council for their service and their confidence in him and our staff.

At 9:15 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk