

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 4, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 4, 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
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.

Consent Agenda:

- a. *Approval of Minutes – September 6, 2016 Regular Session*
- b. *Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
<i>OCTOBER COUNCIL MEETING</i>				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
141465	2016	TRIAD COATINGS INC	OUT OF BUSINESS	84.93
657023	2016	WAY, ELIZABETH C	CLERICAL ERROR - ALAMANCE CO	108.85

- c. *Request from the Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday at Seven Concert Series on October 6, 2016*

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

Old Business:

a. Public Hearing: Text Amendments for the City of Graham Development Ordinances:

i. Harden Street Overlay (AM1618). A request by Patricia Mayzes to amend the Development Ordinance for the East Harden Street/Highway 54 Overlay District

Planning Director Nathan Page explained that the idea behind this amendment was to prohibit vehicle assembling, painting, upholstering, rebuilding, reconditioning, body and fender work with outside storage that is visible from public right of way in addition to utility building sales and sales of storage sheds and trailers in the East Harden Street/Highway 54 Overlay District.

Following a brief discussion between Council and Staff, Mayor Peterman opened the Public Hearing.

Mr. Dewey Brown, 1015 East Harden Street Graham, stepped forward and expressed concern that this amendment may be limiting the type of business he could have on a specific lot he owns along this corridor that at one time was a service station. Mayor Peterman advised that this amendment restricts auto body repair with outside storage that is visible from the public right of way, but that mechanical work and repair would be permitted.

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

Council Members and Staff discussed adopting this for the South Main Street/Highway 87 Overlay District as well. Staff will add this to next month's agenda and advertise accordingly. 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. Council Member Lee Kimrey seconded the motion and all voted in favor of the motion.

ii. Utility Buildings (AM1619). A request by Randy Freeman to amend the Development Ordinance for Utility Buildings

Mr. Page explained that this request would allow storage sheds, trailers and utility buildings to be sold in the B-2 District as a use by right. Mr. Page added that at last month's meeting, Council directed Staff to add language that would prohibit this in the Overlay Districts.

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

Mayor Peterman made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

b. Southern Loop:

i. Approve Resolution Withdrawing Support

Assistant City Manager Aaron Holland reminded Council that at last month's meeting, we discussed the history of the proposed Southern Loop project and the impact it has had on the City. At last month's meeting we heard from property owners that are having problems developing and/or selling property as a result of this project. Council agreed last month to withdraw their support for this project. Staff presented Council with a resolution withdrawing support for this project.

Following a reading of the resolution by Mayor Peterman, Council and Staff discussed the lack of interest in the project by the NCDOT and the TAC.

Mr. Jeremy Pace, 1840 Almond Lane Graham, encouraged council to approve this resolution.

Mayor Peterman made a motion to approve the resolution to withdraw support for the proposed Southern Loop Bypass Project, seconded by Council Member Kimrey. All voted in favor of the motion. Council Member Kimrey will present this resolution at the next TAC meeting.

RESOLUTION WITHDRAWING SUPPORT FOR THE PROPOSED SOUTHERN LOOP

WHEREAS, the NCDOT proposes a Southern Loop Bypass that begins at the intersection of NC-49 and Monroe-Holt Road and extends east to Cherry Lane near Jimmy Kerr Road; and

WHEREAS, the current route was recommended by the Graham City Council at their public meeting on December 7, 2004; and

WHEREAS, the Southern Loop Bypass has been part of a regional transportation plan since at least 1975 with no significant advancement towards construction; and

WHEREAS, while this project is a component of the Burlington-Graham Urban Area Thoroughfare Plan, it is not currently funded or slated for future development; and

WHEREAS, citizens of Graham have expressed concern that the City will be negatively impacted from traffic being steered away from the downtown business district and the proposed route has had an adverse effect on the sale and development of properties that neighbor and/or may be potentially acquired for the bypass;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT the City's support for the planning and construction of the Southern Loop is hereby withdrawn.

Adopted this the 4th day of October, 2016.

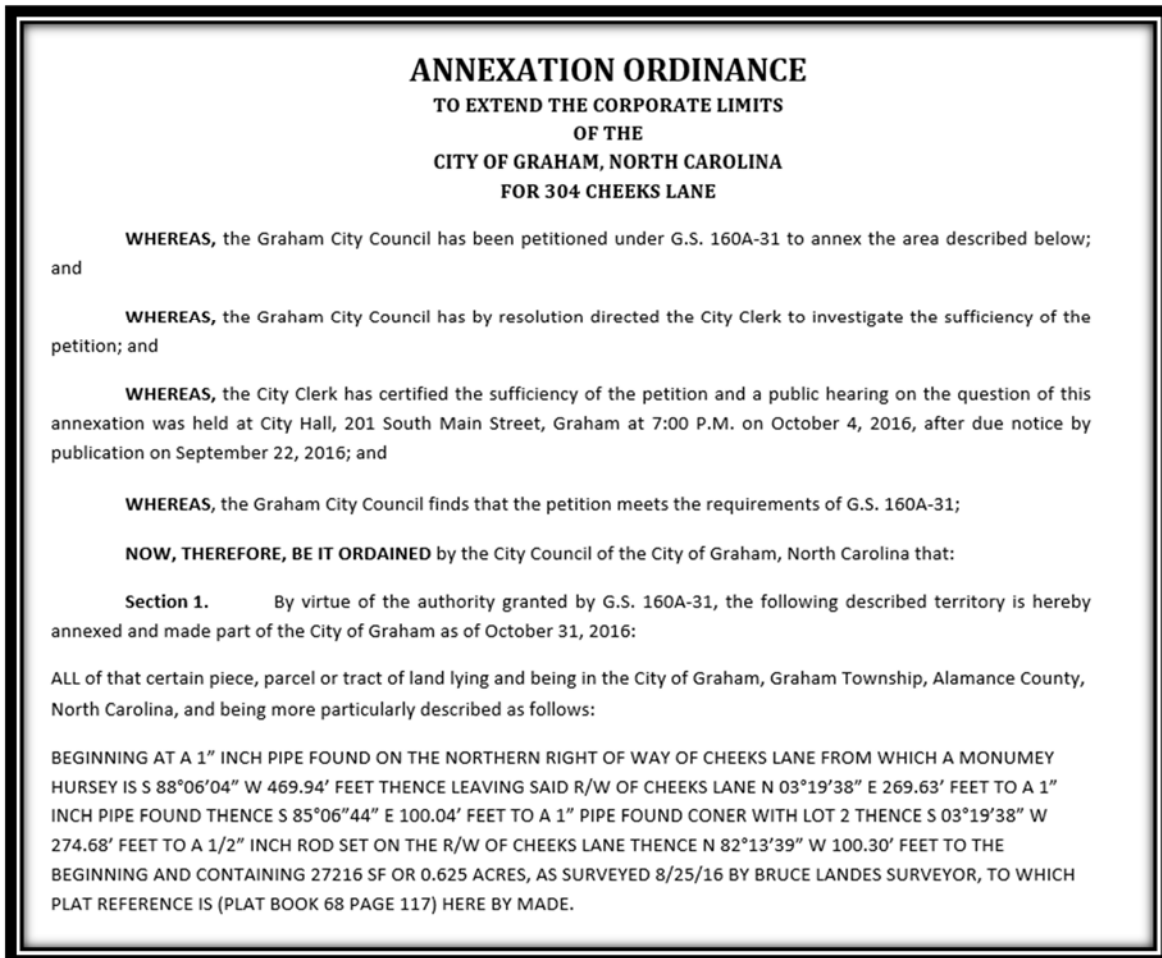
Requests and Petitions of Citizens:

- a. **Public Hearing: Petition for Voluntary Contiguous Annexation at 304 Checks Lane (AN1602)***
- i. **Approve Annexation Ordinance***

Mr. Page advised that the attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the parcel located at 304 Checks Lane (0.625 acres). He added that the annexation process has multiple steps and following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process. Mr. Page advised that this parcel has water availability but sewer service is not available at this time.

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

Council Member McClure made a motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for the property at 304 Cheeks Lane, seconded by Council Member Turner. All voted in favor of the motion.



Recommendations from Planning Board:

- a. **Public Hearing: Marshall B3 (RZ1606). A request from Jason Cook to rezone property located at 208 South Marshall Street from R-7 to B-3***

Mr. Page explained that this is a request to rezone the subject property from R -7 to B-3. He added that the lot is currently occupied by a single family home. Mr. Page advised that the stated reason for this rezoning request is to permit "a financial office." This property is located in and around the city's historic downtown area and is a part of a compact, connected and diverse neighborhood.

Mayor Peterman, Council Member McClure and Council Member Turner disclosed that they have invested money with Mr. Cook's business as a certified financial planner. City Attorney Keith Whited advised that does not present a conflict of interest in this matter, as none have a financial interest in the lot itself. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Jason Cook, 1895 Challenge Drive Graham, stepped forward to address Council. Mr. Cook advised that he is a member of the Graham Fire Department and owns an investment advisory firm. He stated that he currently rents office space and is looking for property to build a single tenant office building to house his financial business. Mr. Cook advised that if this rezoning is approved, he plans to have the existing house on this parcel demolished to make way for a new building.

Council Member Kimrey questioned Mr. Cook as whether or not he considered requesting the rezoning designation of O-I versus B-3, stating that B-3 does not allow for more than five employees. Mr. Cook stated that after speaking with Mr. Page, he chose to go with the B-3 rezoning request. Mr. Page advised that the Development Ordinance permits a financial office, bank in the B-3 district as a use by right.

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

Council Member Kimrey made a motion that the application be approved 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.

Cooper Estates:

a. Approve Foreclosure Resolution

City Manager Frankie Maness explained that the City of Graham extended water and sewer lines to the Cooper Estates area between 2004-2006. The total cost of the project was \$3,061,421.85, where 39% (\$1,193,954.52) was levied against 166 properties that gained access to the new lines.

Assessment payments were due on November 6, 2006, unless landowners opted for installment payments or qualified for abeyance. The City Tax Collector has pursued all liens since 2006 but has exhausted all remedies except foreclosure. A total of 10 properties are outstanding and collectable. Mr. Maness added that the last step in the collection method is to authorize foreclosure.

Council Members and Staff discussed collection methods, properties who may have had a change in ownership over the past 10 years and how the foreclosure process works. Mr. Maness advised that the lien goes with the property and not the person. He added that notifying a potential new owner of a lien placed on the property is the responsibility of either the real estate agent or the attorney handling the closing. Mr. Maness said that in many cases, real estate agents and attorneys do check for liens on the property, but that is not always the case. Mr. Maness advised that some of the individuals have made payment arrangements with the City and for some reason or another, failed to adhere to those arrangements. Mr. Whited advised that while the debt stays with the property, the right to foreclose on the property goes away 10 years after the assessment roll was published – which in this case was November 6, 2006. Mr. Whited advised that November 6, 2016 is the last day to begin the foreclosure process on these properties.

With no further comments forthcoming, Mayor Pro Tem Linens made a motion to approve the Resolution Authorizing Foreclosure on Properties with Outstanding Liens for Cooper Estates Water and Sewer Assessments, seconded by Council Member McClure. All voted in favor of the motion.

RESOLUTION AUTHORIZING FORECLOSURE ON PROPERTIES WITH OUTSTANDING LIENS FOR COOPER ESTATES WATER AND SEWER ASSESSMENTS

WHEREAS, the extension of water and sewer lines to the Cooper Estates area was ordered by resolution of the City Council on the 7th day of September 2004 at a cost of \$3,061,421.85; and

WHEREAS, the Assessment Roll for the water and sewer extensions to the Cooper Estates area was duly confirmed by the City Council and the assessments thereon duly levied on the 5th day of September, 2006, at 9:25pm; and

WHEREAS, Assessments shown on the Assessment Roll were due in full without interest to the Tax Collector of the City of Graham no later than the 6th day of November 2006, or any property owner may have elected to pay the assessment in five (5) annual installments, the first installment being due and payable without interest on the 6th day of November, 2006. The succeeding installments were due and payable on the same date in each of the four (4) succeeding years with interest added at a rate of two percent (2%) per annum beginning on the 7th day of November, 2007; and

WHEREAS, some properties shown on the Assessment Roll remain unpaid with the City having exhausted all other collection remedies; and

WHEREAS, General Statute § 160A-233 (c) authorizes that assessment liens may be foreclosed under any procedure prescribed by law for the foreclosure of property tax liens, except that lien sales and lien sale certificates shall not be required, and foreclosure may begin at any time after 30 days after the due date.

NOW, THEREFORE, BE IT RESOLVED by the Graham City Council that the City Attorney and Tax Collector are authorized to proceed with foreclosure remedies afforded by the North Carolina General Statutes for the properties identified below:

GPIN	PARCEL	CUSTOMER	ADDRESS
8883933222	145296	FINE, PAUL D & CATHY C	1026 MARTIN AVE
8883931179	145293	FINE, PAUL D & CATHY C	VL MARTIN AVE
8883831089	145159	GUTHRIE, MICHAEL K & JUDY C	911 DOGWOOD LN
8883921993	145279	HERNANDEZ, FILEMON & CELINA	1011 MARTIN AVE
8883820913	145137	KINCHELOE, BRADLEY & JENNIFER	849 MARTIN AVE
8883935215	145299	OVERBEY, PAUL T & NANCY G	1919 COOPER RD
8883841357	145189	TURLINGTON, JAMES F & ELLEN W	VL CHEEKS LN
8883738058	145033	Wicker, Steven & Neta	829 MARTIN AVE
8883923890	145284	Murray, Kenneth Jr & Eva Doris Brady	1955 COOPER RD
8883733546	145022	McCraw, Michelle Lee	775 Martin Ave

Adopted this 4th day of October 2016.

Business Beautification Grant Discussion:

Mayor Peterman explained that the idea of a Beautification Grant is the result of discussions had at last month's meeting with regards to signs and shrubbery throughout the City. Mr. Maness added that Staff did take ideas from our Façade Grant program when putting together the criteria for this possible future program. He said that Staff believes that City participation in such a program will forward the goals for our future corridors even faster. He advised that Staff concluded that the inclusion of sidewalks ties into our sidewalk pedestrian plan. Including landscaping can help address some of the nonconforming site elements along the City's corridors. Mr. Maness stated that Staff would like feedback from Council and told Council that this ultimately comes down to a budgetary issue for the Council. Mr. Holland added that Staff has heard from business owners outside of the downtown area who have inquired as to what the City has to offer them with respect to enhancement of their businesses.

Council Member Kimrey asked that language be added to the proposed program stating that applicants must be in good standing with all City departments. Council Member Kimrey also asked that language be added to read: applicant agrees to maintain all improvements in “like new” condition for a period of five years after completion of the work or until the property is sold. Mayor Peterman said that Council will have to decide how much money they will consider funding for this proposed grant. Council Members were in agreement that this grant should match the Façade Grant’s total of \$15,000 per year.

Mrs. Elaine Murrin, co-chairman of the Graham Appearance Commission stepped forward to discuss the program with Council. Mrs. Murrin had recently been given a copy of the draft prepared by Staff and told Council she is thrilled with the possibility of a program of this nature and the Appearance Commission’s role in determining how funds are allocated. Mrs. Murrin questioned the draft’s statement that the program is only open to those businesses along the City’s corridors. After a brief discussion, Council asked Staff to open the program to all business owners within the corporate limits of Graham.

Council asked that Staff to confer with the Appearance Commission and prepare a final proposal that can be presented at the November 1, 2016 Council meeting.

Issues Not on Tonight’s Agenda:

Mayor Pro Tem Linens sent condolences to the family of Mr. Tim Matthews, who recently passed away.

Council Member McClure asked Council to consider addressing the City’s aesthetic appeal with regards to signage throughout the City. He added that the lack of a welcome sign in Graham frustrates him. Council Member McClure stated that with the creation of new jobs in the Graham area, time is of the essence to do something to attract new residents and more businesses to Graham.

Council Member Kimrey inquired as to whether or not there would be any public notice given to business owners with regards to last month’s approval of the Third Party Reporting Requirements added to the City’s Fire Code in our Code of Ordinances. Mr. Maness said Staff will address this with business owners.

At 8:25 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk