

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, SEPTEMBER 5, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 5, 2017, 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
Keith Whited, City Attorney
Nathan Page, Planning Director
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Rev. Darryl Peoples of the Historic Providence Christian Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

Mayor Peterman invited Kristin Foust to step forward and address the Council. Ms. Foust announced that her son, Logan Foust had been selected to represent Alamance County in the Youth Shrine Bowl for football. Additionally, Ms. Foust explained that she and her husband are residential developers and had some concern with the School Board's recent talk about temporary redistricting and how it affects developers. She asked that the School Board be invited to City and County meetings during the development phase. Mayor Peterman advised that representatives from both the School Board and the County are invited to all of the Technical Review Committee meetings. He added that we may need to push a little harder to get those representatives to actually attend.

Consent Agenda:

- a. Approval of Minutes – August 1, 2017 Regular Session*
- b. Tax Releases & Refunds*

CITY OF GRAHAM REFUNDS				
SEPTEMBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
666593	2017	CARBAJAL, EVELIN	MOBILE HOME CORRECT YEAR 1999	42.23
664184	2017	FORBES, HERMAN GAITHER	DISABLED VETERAN EXEMPTION	204.75
TOTAL REFUNDS				246.98

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
471696	2017	JONES, BRANDON KIRK	JETSKIS NOT IN GRAHAM JAN 2017	14.00
114964	2017	LLOYD, RICHARD LEVERNE	TAXPAYER DECEASED 6 YRS RELEASE BOATS	6.49
21368	2017	LONG, PAUL R	CAR LOCATED OUTSIDE CITY LIMITS	40.04
552115	2017	NEESE, ANNETE JOY	2 JET SKIS LOCATED IN GUILFORD COUNTY	4.20
666543	2017	CRUZ, DELGADINA	MOBILE HOME CORRECT YEAR 1990	60.79
660312	2017	JUAN MANUEL LOPEZ PONCE	SOLD TRUCK PRIOR TO JAN 2017	40.79
64790	2017	FARM SERVICES INC	RELEASE LATE LISTING	4.28
481450	2017	NISSAN MOTOR ACCEPTANCE	WRONG CITY DISTRICT CODE	336.11
482934	2017	GRAHAM CINEMA LLC	RELEASE LATE LISTING	0.77
486339	2017	EP GATES CONST & REALTY	RELEASE LATE LISTING	0.75
487398	2017	COLONIAL HARWARE LLC	RELEASE LATE LISTING	0.75
529174	2017	GRAHAM SODA SHOP	RELEASE LATE LISTING	6.00
647403	2017	TWC SECURITY INC	AMENDED RETURN	91.76
648047	2017	SALEM LEASING CORP	11 VEHICLES OUT OF CITY OR SOLD	1433.39
17214	2017	HOWELL, WILLIAM R	QUALIFIED FOR HOMESTEAD EXEMPTION	286.29
30709	2017	SMITHEY, JOE & TERESA	QUALIFIED FOR HOMESTEAD EXEMPTION	48.52
35282	2017	WARD, DONNIE EZZELL	QUALIFIED FOR HOMESTEAD EXEMPTION	185.70
44813	2017	KIRKLAND, SAMUEL M JR	QUALIFIED FOR HOMESTEAD EXEMPTION	274.24
46235	2017	MELTON, LARRY & GLYNDA	DISABLED VETERAN EXEMPTION	204.75
111356	2017	BROWN, LISA KETNER	QUALIFIED FOR HOMESTEAD EXEMPTION	27.23
469757	2014	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2015	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2016	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2017	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	84.18
471551	2017	RUSSELL, BRUCE GERRELL	QUALIFIED FOR HOMESTEAD EXEMPTION	289.14
603940	2017	WORTHY, KIM L	QUALIFIED FOR HOMESTEAD EXEMPTION	496.17
646480	2017	SHARPE, DONNA	HOUSE BURNED REDUCE TO LAND ONLY	118.40
648780	2017	LIVINGTON, MARY A	QUALIFIED FOR HOMESTEAD EXEMPTION	230.67
654501	2017	BEATTY, FREDRICA M	QUALIFIED FOR HOMESTEAD EXEMPTION	247.85
659445	2017	ELLISON, DEBORAH S HEIRS	PROPERTY TRANSFERRED TO MTG CO	603.94
667685	2017	BURNETT, GAIL E	QUALIFIED FOR HOMESTEAD EXEMPTION	135.17
TOTAL RELEASES				5477.12

- c. *Appoint Elaine Murrin to serve on the Graham Historical Museum Board of Directors*
- d. *Approve Request by Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m.-11:00 p.m. and the 100 block of E. Elm Street from 12:00 a.m.-11:00 p.m. on October 27, 2017 for the Downtown Pumpkin Bash*
- e. *Approve Letter of Appreciation – Southern Loop Roadway*
- f. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment*
- g. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda as he asked that items “a” and “e” be pulled. Council Member Griffin McClure asked to pull item “d”.

Referring to item “a”, Mayor Peterman asked City Clerk Darcy Sperry to correct the spelling of Sergeant Ben Edwards name in the minutes from August 1, 2017.

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

Mayor Peterman thanked Council Member Kimrey for his hard work with item “e”. After thanking staff and stating that it was a team effort in getting the proposed Southern Loop removed from the Future Land Use Map, Council Member Kimrey made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure stated that it was brought to his attention that “senior night” at Graham High School is set for the same night as the Downtown Pumpkin Bash and he asked Recreation and Parks Director Brian Faucette if any thought been given to this when setting the date for the City sponsored event. Mr. Faucette stated that it was an oversight and that going forward, he will take into consideration the high school football schedule when selecting future dates for this event. Council Member McClure made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Kimrey. All voted in favor of the motion.

Mayor Pro Tem Jimmy Linens made a motion to approve items “b”, “c”, “f” and “g” on the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Third Reading: Amend Code of Ordinances to require Encroachment Permit for Permanent Improvements

Assistant City Manager Aaron Holland briefly summarized this amendment request. He stated that we currently do not have language which allows for the placement of permanent objects within the public right-of-way in the Central Business District B-1. He added that this ordinance would provide a mechanism for someone to do so. At the request from Council at last month’s meeting, Staff and City Attorney Keith Whited revised the proposed ordinance amendment, making changes to the approval process, insurance requirements and “grandfathering” in existing structures in the B-1 public right-of-way areas.

With no questions from the Council forthcoming, Mayor Peterman opened the meeting up to the floor. Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward to address Council. Ms. Talley expressed concern with the proposed language in section 18-2, (b). She asked Council to consider amending period for removal from one week to 30 days. Mr. Whited advised that the one week language has been in the ordinance since 1982.

With no further comments, Council Member Kimrey asked to be recused, adding that he owns property on West Elm Street and will be asking the City for an encroachment agreement. Council Member McClure made a motion to recuse Council Member Kimrey, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Following a brief discussion between Council and Staff, Council Member McClure made a motion to approve the Ordinance amendment to Chapter 18, Article I., (*Streets, Sidewalks, and Other Public Places*) of the Code of Ordinances to require an Encroachment License Agreement for permanent improvements, seconded by Council Member Turner. All voted in favor of the motion. Council Member Kimrey rejoined the Council.

b. Public Hearing: Floodplain Regulations (AM1706). Updating the article and adopting new maps as required by the Federal Emergency Management Agency

Planning Director Nathan Page explained that this is an amendment to our Flood Damage Prevention Ordinances. Mr. Page stated that given the requirement of the National Flood Insurance Program to adopt these new maps on or before November 17, 2017, the City of Graham must do so in order to save money for our citizens on their flood insurance premiums. He added that Staff is proposing two changes. The first being to allow fill in the floodplain for some locations upon approval from the Technical Review Committee (TRC). The second change would be to require two elevation certificates. Currently the State only requires one.

Following a brief discussion between Council and Staff, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It better protects our flood prone areas. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

Requests and Petitions of Citizens:

a. First Reading: Code of Ordinances Amendment (Brunch Bill): Amend Code of Ordinances to allow the sale and consumption of alcoholic beverages on licensed premises within City Limits beginning at 10:00 a.m. on Sundays

Mr. Holland explained that currently the City follows the State statute which allows for the sale and consumption of alcoholic beverages on licensed premises within City limits beginning at 12:00 p.m. on Sundays. Recent legislation allows for cities to have the option to change the time of sale from 12:00 p.m. to 10:00 a.m. Mr. Holland advised that Staff recommends approval.

Following a brief discussion between Council Members and Staff, Mr. Jason Cox of 200 North Main Street Graham stepped forward to address Council. He stated that this request is a response to demand and encouraged Council to approve it much like neighboring municipalities have done.

Some Council Members felt this is something that should be voted on following a Public Hearing. Mr. Whited advised Council that State statute does not require a Public Hearing, but Council can choose to hold one if they wish to do so.

Council Member McClure made a motion to schedule a Public Hearing for next month, seconded by Council Member Kimrey. All voted in favor of the motion.

b. Encroachment License request by Lee & Mindi Kimrey for property at 106 West Elm Street

Council Member Kimrey asked to be recused. Mayor Peterman made a motion to recuse Council Member Kimrey, seconded by Council Member McClure. All voted in favor of the motion.

Council Member Kimrey of 410 Raven Court Graham stated that this request is for a balcony at 104-106 West Elm Street. He added that he submitted a complete set of sealed plans to the Inspections Department and noted that Staff has asked for an as built survey, which he has no problem supplying.

Council Members asked if the balcony would be permanently attached to the building. Council Member Kimrey stated that it will be bolted to the building and can be removed if the City should wish him to do so.

With no further comments forthcoming, Mayor Pro Tem Linens made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Lee & Mindi Kimrey for a proposed balcony at 106 W. Elm Street with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

Council Member Turner seconded the motion and all voted in favor of the motion. Council Member Kimrey rejoined the Council.

Recommendations from Planning Board:

a. Public Hearing: 1216 South Main St B-2 (RZ1702): Request by Danny Owen to rezone property located at 1216 South Main Street (GPIN8883351628) from Medium Density Residential (R-12) to General Business (B-2)

Mr. Page explained that this is a request from Mr. Danny Owen to rezone the subject property from R-12 to B-2. He added that this is one of two adjoining lots which are currently occupied by a single family dwelling and stated reason for this rezoning request is “designated business zone by City of Graham.” Mr. Page advised that no other development plan has been submitted at this time.

Council and Staff briefly discussed the zoning of neighboring parcels, followed by Mayor Peterman opening the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It advances commercial growth through one of our main corridors. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: 1218 South Main Street (RZ1703): Request by Patricia Allen to rezone property located at 1218 South Main Street (GPIN8883351529) from Medium Density Residential (R-12) to General Business (B-2)

Mr. Page explained that much like the request just heard by Council, this is a request from Ms. Patricia Hughes Allen to rezone the subject property from R-12 to B-2. He added that this is one of two adjoining lots which are currently occupied by a single family dwelling and stated reason for this rezoning request is “designated business zone by City of Graham.” Mr. Page advised that no other development plan has been submitted at this time.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member McClure made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It promotes commercial growth in one of our busiest corridors. Council Member Turner seconded the motion and all voted in favor of the motion.

c. Public Hearing: Mixed-Use Dwellings (AM1707): Request by Chuck Talley to permit more than one dwelling above a structure in the Central Business District (B-1)

Mr. Page explained that about a year and a half ago, we removed language from our Ordinance that said all things plural are singular and all things singular are plural. When we did that, it meant that you could only have one dwelling on the second floor and above within the B-1 district. Mr. Page added that Staff is recommending the removal of “with adequate light, air and bathroom facilities” from the original amendment request, as items such as these are enforced within the Building Code.

A brief discussion between Council and Staff ensued regarding use by right in the B-1 district and how approval of this would not affect current Fire Code in this area. With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward to address Council. He stated that he feels this Ordinance needs to be cleaned up. He added that he currently had buildings that are considered non-conforming due to the current language. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved with the alternate language, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It allows more residential units in commercial buildings in our Business and O-I zones. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

d. Review of The Graham 2035 Comprehensive Plan

Mr. Page explained that the Graham Planning Board invited members of the steering committee for The Graham 2035 Comprehensive Plan to convene at their July or August meetings. At those meetings, the following updates to the plan were recommended:

- Create an Outdoor Space downtown for commercial gatherings
- Consider creating Overlays for Jimmie Kerr (one for ACC, one for the truck stops)

Mr. Page stated that the above recommendations are additions to the Plan in the mid to long term range. They also recommended that the Southern Loop be removed from the Future Land Use Map today. Mr. Page advised that NCDOT has scheduled a Public Hearing for September 14, 2017 at which they will vote on whether or not to permanently remove the Southern Loop.

Council Members and Staff discussed the NCDOT’s process for requiring a Public Hearing, the Comprehensive Transportation Plan, and overlay districts along Jimmie Kerr Road. Council Members noted that while we are not required to hold a Public Hearing regarding the proposed addition of Overlays along Jimmie Kerr Road, they felt that one needed to be held prior to taking any action.

Mayor Peterman made a motion to schedule a Public Hearing next month to consider adding an Overlay district along Jimmie Kerry Road. Council Member Kimrey amended the motion to include Highway 54 and West Elm Street as well, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Kimrey made a motion to amend the following sections of The Graham 2035 Comprehensive Plan; removal of the Southern Loop from our Future Land Use Map and we include the creation of an outdoor space in downtown for commercial gatherings, seconded by Mayor Peterman. All voted in favor of the motion.

Downtown Revitalization Project Grant:

Mr. Maness explained that the City is a tentative recipient of a \$50,000 grant through the State of North Carolina's Rural Development Division within the Department of Commerce. This calls for proposals to be awarded monies for "Downtown Revitalization and Economic Development." Staff has created a list of potential projects and ranked them. A proposal must be submitted to the State by September 15, 2017. Options presented were as follows:

1. Fund a Revolving Loan- with a low-interest rate, to be re-loaned out as money returns (\$50,000)
2. Release our own Request for Proposals- to reward grant money for projects that fit with Graham's goals, i.e. a 2000 square foot restaurant, or 10 new dwelling units in our downtown (\$50,000)
3. Development Finance Initiative- to find an investor and construct a two or more story building on our parking lot beside the Roasted Coffee Depot (\$15,000+)
4. East Harden/Pine Street Sidewalk- to complete the sidewalk network to new growth areas, allowing the residents pedestrian access into downtown (\$50,000+)
5. Create a Downtown Plan- invest in a small area plan for the downtown and perhaps the Highway 54 and Highway 87 Corridors into downtown (\$50,000)
6. Alley art- to turn one of our alleys into an art exhibit, with lights or streamers in a European style (up to \$50,000)
7. Greensboro-like SparkGrants- up to \$5,000 to support murals, pop-up shops, and special events (\$50,000)
8. Downtown Streetscape- bike racks, planters, recycling containers, perhaps more trashcans, or benches (\$50,000)
9. Sesquicentennial Park- to offset the up-fit costs and remove the sinking brick planter (up to \$50,000)
10. Wayfinding- to install signs which help individuals find destinations within our City (\$50,000)
11. Bring Wi-Fi back downtown (\$20,000-\$25,000)
12. Design Grants- where architects could be hired as a condition of façade grant funds being rewarded, resulting in a more cohesive and interesting downtown fabric (up to \$50,000)
13. Stormwater Control Measures (SCM) in the Court Square- this would pay for the engineering costs associated with designing a SCM downtown, to double as additional outdoor activity space and planting areas (\$50,000)
14. Parklet- to create a portable park which would be placed over two parking spaces, as requested by property owners (\$50,000)
15. Rent Subsidy Program- to offset the initial lease costs for new businesses Graham is trying to attract (\$50,000)

Following a discussion between Council and Staff regarding the various options presented, Mayor Peterman opened the discussion up to the floor.

Mr. Cox stepped forward and encouraged Council to create a “hybrid community fund” that option #1 would allow for.

Ms. Talley stepped forward and encouraged Council to select option #11, bringing Wi-Fi back to the downtown area.

With no further comments forthcoming, Council Member Kimrey made a motion we authorize the City Manager to draft a proposal for Option #1 (Fund a Revolving Loan) in the amount of \$50,000 in reimbursement grant funds from the North Carolina Department of Commerce, seconded by Council Member Turner. All voted in favor of the motion.

Issues Not Included on Tonight’s Agenda:

Mr. James Albright of 1035 Sycamore Road Graham requested a permit to fire a crossbow within City limits to eliminate deer that he deems nuisance on his property. Mayor Peterman advised that he would have to speak to the Police Department regarding this matter.

Lieutenant Duane Flood of the Graham Police Department advised that the Graham High School will be bringing a request to Council to block a portion of East Elm Street in October for a Homecoming festival.

Julie Budd of 324 Hillcrest Avenue Burlington stepped forward and invited Council Members to a free lunch workshop on September 14, 2017 regarding students facing homelessness.

Mr. Greg Euliss of 1813 Meadowview Drive Graham expressed concern for a proposed development off Luther Drive. His concerns included the buffer area between Rogers Road and Meadowview Drive.

Council Member Kimrey asked Mr. Maness if any progress has been made with regards to a no smoking policy in City parks. Mr. Maness advised that he is hoping Council will see something on that next month.

Mayor Pro Tem Linens stated that he has received complaints about the intersection of Lacy Holt Road and Rogers Road and could we look into the possibility of adding a stop light at that location. Mr. Maness advised that Rogers Road is a DOT road, but we can certainly talk to them about it.

Mayor Pro Tem Linens asked that we keep Council Member Turner’s mother in our thoughts and prayers as she has recently been admitted to the hospital.

At 9:17 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.