

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 3, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 3, 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
Alexa Powell, City Planner
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Former Council Member Jim Albright gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – September 5, 2017 Regular Session*
- b. Tax Releases & Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

OCTOBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
21016	2017	MABE, ANN GRADY	ADJUST VALUE-PROPERTY IN FLOOD PLANE	34.48
29471	2017	SCHAPPACHER, WILLIE	QUALIFIED FOR HOMESTEAD EXEMPTION	340.28
591668	2017	WALTON, BARBARA W.	QUALIFIED FOR HOMESTEAD EXEMPTION	319.32
611748	2014	EASTER, JAMES EARLE JR	SOLD BOAT	14.67
611748	2015	EASTER, JAMES EARLE JR	SOLD BOAT	13.59
611748	2016	EASTER, JAMES EARLE JR	SOLD BOAT	12.51
611748	2017	EASTER, JAMES EARLE JR	SOLD BOAT	11.56
662706	2017	HOPKINS, KEVIN	BOAT NOT LOCATED IN THE CITY OF GRAHAM	2.28
666540	2017	JM HOLT & ASSOCIATES INC	CHANGE VALUE & YEAR OF MH FROM 2009 TO 198	63.70
92676	2017	WOODARD, D RIED OD	BUSINESS PERSONAL PROP AMEDENED RETURN	273.31
654117	2016	VARNER, BRENT WILBUR	TAXPAYER MOVED TO TN, BOAT NOT IN GRAHAM	3.98
654117	2017	VARNER, BRENT WILBUR	TAXPAYER MOVED TO TN, BOAT NOT IN GRAHAM	3.59
659001	2017	WELLS FARGO VENDOR FINANCIAL	BUSINESS PERSONAL PROP DOUBLE LISTED	1708.82
664517	2017	AUTOMATIC FINANCING INC	BUSINESS PERSONAL PROP AMEDENED RETURN	75.13

**CITY OF GRAHAM
REFUNDS**

OCTOBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
631076	2017	OBAUGH, HATTIE B. L/E	QUALIFIED FOR HOMESTEAD EXEMPTION	187.04

- c. Request from Graham First United Methodist Church to close East Market Street on October 29, 2017 from 3:00 p.m. - 8:00 p.m. for a Community Trunk or Treat event*
- d. Request from the Graham Police Department to close the 100 block of E. Elm Street from 8 a.m. - 6 p.m. on November 11, 2017 for the Veterans Day Festival*
- e. Amend the City of Graham Traffic Schedules to include the Forks of Alamance Subdivision*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item “e”.

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

Council Member Kimrey asked Staff for clarification about the current process for taking streets back – thinking that we won’t accept them until the final coat is on. City Manager Frankie Maness stated that this is still the case, however, we still need to give motorists direction until the final coat has been put down. Once the final coat is down, it will come back to the City Council for official acceptance of the street.

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

Old Business:

- a. **Public Hearing & Second 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***

Assistant City Manager Aaron Holland reminded Council that this item was brought before Council last month and per Council’s request, notice was given for a Public Hearing to be held at this meeting. He explained that new law passed by the General Assembly requires that action be taken if Municipalities choose to change the time of sale from 12:00 PM to 10:00 AM on Sundays.

Council Member Kimrey advised that he currently has an agreement with a tenant who intends to sell alcohol and asked to be recused. Mayor Peterman made a motion to recuse Council Member Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

With no comments forthcoming from Council Members, Mayor Peterman opened the Public Hearing.

Mr. Chuck Granger of 404 Stonehedge Drive Graham stepped forward to address the Council followed by Mr. Jim Albright of Graham. Both gentlemen asked Council Members to not approve this agenda item. Mayor Peterman closed the Public Hearing.

Following a brief discussion between Council Members, Council Member McClure made a motion to approve the request to amend Chapter 8, Article I., (Businesses) of the Code of Ordinances to allow the sale and consumption of alcoholic beverages on licensed premises within City limits beginning at 10:00 AM on Sunday, seconded by Mayor Pro Tem Linens. All voted in favor of the motion. Council Member Kimrey rejoined the Council.

b. Public Hearing: Text Amendment Review of the The Graham 2035 Comprehensive Plan

Planning Director Nathan Page explained that there are two amendments to The Graham 2035 Comprehensive Plan being proposed. The first is to consider creating Overlays for West Harden Street and West Elm Street west of the Historic District, while the second calls to consider creating Overlays along Jimmie Kerr Road (one for Alamance Community College (ACC) and one for the truck stops).

A brief discussion between Council Members and Staff ensued, followed by Mayor Peterman opening the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member McClure made a motion to amend The Graham 2035 Comprehensive Plan to suggest overlays for Highway 54 and West Elm Street, as well as both sides of Interstate 40/85 at Jimmie Kerr Road., seconded by Council Member Kimrey. All voted in favor of the motion.

Requests and Petitions of Citizens:

- a. Request from the Humane Society of Alamance County (HSAC) to close the 100 Block of East Elm Street, 150 feet of the southernmost portion of the 100 Block of North Marshall Street and the North Marshall/Elm Street parking lot on Saturday, October 21, 2017 and Sunday, October 22, 2017 from 8:00 a.m. to 5:00 p.m. respectively, for the purpose of hosting the HSAC's 20th Annual Woofstock Festival; subject to the receipt of a certificate of insurance***
- b. Request from Chuck Talley to close the 100 Block of E. Elm Street from 6:00 p.m. on Friday, October 20, 2017 to 5:00 p.m. on Sunday, October 22, 2017 for the Humane Society of Alamance County's 20th Annual Woofstock event; subject to the receipt of a certificate of insurance***

Mr. Maness explained that the City received two different requests for street closure(s) to accommodate the same event – the Humane Society of Alamance County's (HSAC) 20th Annual Woofstock event. The first request is from the HSAC while the second is from Chuck Talley of Farm Services, Inc. The HSAC previously held this event at City Park in Burlington and Mr. Maness stated that we are excited to have the event here in Graham this year. He added that the primary difference in the two requests is the location for the pool reservoir to be used for the DockDogs portion of the event.

Mr. Maness added that option “a” has been given consideration by Staff, while option “b” was received just prior to the agenda going out and has received very little consideration and presents some safety concerns among Staff members. Staff recommends option “a”.

Mayor Peterman asked Mr. Maness to list Staff’s safety concerns. Mr. Maness listed street closure duration, lack of monitoring and maintaining barriers, no storm drainage system in that area should the pool reservoir leak and traffic detours among the main concerns Staff has with option “b” at this time.

Council Members and Staff briefly discussed the pool reservoir placement, insurance requirements, and safety concerns as well as the current Ordinance pertaining to dogs and food trucks. Mr. Maness stated that dogs are not permitted at City sanctioned events while food trucks are allowed at a City sanctioned or City permitted event. The City is permitting the event to be held in Graham, thus allowing food trucks. Dogs will be permitted as long as the City is not involved with the event in any manner.

Mayor Peterman opened the discussion to the floor. Ms. Sharon Dent of the HSAC stepped forward to address Council. She stated that she is excited to bring this event to Graham this year.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward to speak about the option “b” request. Following a lengthy discussion between Ms. Talley and the Council Members, Ms. Talley agreed to hire two off duty police officers at her expense to ensure that security is present at the pool reservoir the entire time it is up. Ms. Talley also provided a letter written by East Elm Street business owner Mr. Mike Holt expressing support to have the 100 Block of East Elm Street closed for the time period requested by Mr. Talley.

Mr. Talley stepped forward to acknowledge that he will have around the clock security for this event. He stated that the professionals from DockDogs are experienced with the setup and removal of the pool reservoir in a safe manner and carry enough insurance to ensure that the City would be covered in the event of any type of accident on City property.

Council Members and Staff spoke of the challenges associated with either location for the pool reservoir and what, if any, assistance the City might be able to provide to help make this event a success. Mr. Maness reminded Council about the City’s Ordinance pertaining to dogs and cautioned that if they decide to have the City participate in some manner, we set a precedent for the next request.

Council Member Kimrey made a motion to approve the request from Chuck Talley to close the 100 Block of E. Elm Street from 6:00 p.m. on Friday, October 20, 2017 to 5:00 p.m. on Sunday, October 22, 2017 for the Humane Society of Alamance County’s 20th Annual Woofstock event; subject to the receipt of a certificate of insurance. Council Member Turner seconded the motion and all voted in favor of the motion.

Smoking Ordinance:

- a. Amend the Code of Ordinances to add a section prohibiting smoking in all municipal buildings, vehicles and grounds*

Mr. Holland stated that secondhand smoke concerns have been fielded by both Council and Staff in various capacities throughout the City. Council directed Staff to look into these concerns and the result is this Smoking Ordinance being presented to Council. Staff has prepared an Ordinance for the Council's consideration that would prohibit smoking on all city grounds, buildings and in city vehicles.

Council Members and Staff briefly discussed the definition of City grounds, signage and the right business owners will have to regulate smoking on their property if this amendment to the Code of Ordinances should be approved. Council Member McClure expressed concern with infringing on one's lifestyle choice, as poor as it may be in outdoor spaces. Mr. Maness advised that the City currently offers smoking cessation programs and that it would be difficult to tailor the Ordinance to only encompass certain areas. He added that we have highly volatile areas with chemicals that we do not need to be smoking around. Council Member McClure stated that he is not sure he would support no smoking on all City grounds.

Recreation and Parks Director Brian Faucette stated that if Council should choose to remove grounds from this amendment, we would be removing playgrounds, ball fields and walking tracks. Staff advised that a blanket Ordinance for the entire City will be easier to enforce.

With no further discussion forthcoming, Council Member Kimrey made a motion to approve the request to amend CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I- IN GENERAL of the Code of Ordinances to prohibit smoking in all municipal buildings, vehicles, and grounds, seconded by Mayor Pro Tem Linens. Ayes: Council Member Kimrey, Mayor Pro Tem Linens, Mayor Peterman and Council Member Turner. Nays: Council Member McClure. Motion carried 4:1.

Issues Not Included on Tonight's Agenda:

Ms. Chelsea Dickie of 200 North Main Street Graham stepped forward to express concern with our Ordinance regulating outdoor sales. She stated that as the Director of Community Development at the Co-Op in Graham, she has seen an increase in business owners, developers and artisans asking her how Graham landed at our outdoor sales Ordinance. She asked if the intent of the Ordinance is to have one come before Council to get approval for an outdoor event and if so, is there a process one can go through to request approval for an outdoor event. Mayor Peterman stated that he does not believe that the Council was trying to ban anything when this Ordinance was approved. He added that the intent was to protect area businesses from having someone set up a stand outside ones business selling the same items and services as the established business. Mr. Maness explained that the current Ordinance is a blanket prohibition for outdoor temporary sales in the B-1 district, except for City sanctioned events in a zoning district. He stated that a few months ago he advised Council that with this Ordinance, we are regulating behaviors in a land use regulating Ordinance. Mr. Maness wondered if this Ordinance is in the right spot. Mayor Peterman challenged Staff to look at this Ordinance and bring something to Council next month that may clarify the Ordinance.

City Attorney Keith Whited invited Council Members to the after party event for the Little Pink Houses of Hope on Sunday, October 8, 2017 from 2:00 p.m. – 5:00 p.m. at the Verdict in Graham.

Mr. Faucette reminded Council of the Halloween Festival in Graham on October 27, 2017 from 6:00 p.m. – 9:00 p.m.

Mayor Pro Tem Linens asked Mr. Maness if he had any answers to the concern he brought up at last month's Council meeting regarding the need for a traffic light at the intersection of Rogers Road and Lacy Holt Road. Mr. Maness stated that NCDOT evaluated the traffic pattern in that area when the Forks of the Alamance subdivision was approved and they did not feel a light was necessary. He stated he will get with NCDOT again to relay this concern.

Council Members McClure and Turner thanked the Police Officers in attendance for their service to the City in light of the recent tragedy in Las Vegas.

Mayor Peterman asked Council Members to think about adding issues not on tonight's agenda to the following month's agenda under old business. He asked that we discuss this matter at next month's meeting.

At 8:47 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