

**CITY OF GRAHAM  
REGULAR SESSION AGENDA  
TUESDAY, FEBRUARY 6, 2018  
7:00 P.M.**

Meeting called to order by the Mayor  
Invocation and Pledge of Allegiance

**1. Honorary Proclamations:**

- Mike Hodgin - Proclamation of Commendation and Appreciation for over 20 years of service to the City of Graham
- Terry Worth – Proclamation of Commendation and Appreciation for over 29 years of service to the City of Graham

**2. Consent Agenda:**

- a. Approval of Minutes – January 2, 2018 Regular Session
- b. Tax Releases & Refunds
- c. Tax Collector's Mid-Year Report
- d. Tax Collector's Debt Set-Off Report
- e. Remove Jerry Peterman from the Fireman Pension Fund
- f. Appoint Tim Beshel to the Recreation Commission – term to expire June 30, 2018
- g. Appoint Doug Rowe to the Graham Sports Hall of Fame Committee – term to expire June 30, 2023
- h. Appoint Pat Moser to the Graham Sports Hall of Fame Committee – term to expire June 30, 2023
- i. Approve Graham Recreation & Parks request to close the 100 block of W. Elm St. in downtown Graham from 5:00pm-11:30pm on **May 24, June 28, July 26, August 23, September 13** (4:30pm-11:30pm to accommodate band) and **September 27** for the 2018 Thursday at Seven Concert Series. Rain dates requested are: **May 29, 31 - June 5, 7, 12, 14, 19, 21, 26 - July 10, 12, 17, 19, 24, 31 - August 2, 7, 9, 14, 16, 21, 28, 30 - September 4, 6, 11, 18, 20 - October 2, 4**

**3. Old Business:**

- a. Approve Graham Historical Museum Advisory Board Enabling Resolution
- b. Temporary Outdoor Sales Ordinance Update

**4. Downtown Revolving Loan Fund**

**5. Pine Street Speed Limit**

**6. Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (3): To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged**

**7. Issues Not on Tonight's Agenda**



## **Proclamation of Commendation and Appreciation to Mike Hodgin for His Service to The City of Graham**

**WHEREAS**, Mike Hodgin diligently served the City of Graham Wastewater Plant from October 23, 1997 until January 31, 2018; and

**WHEREAS**, Mike retired as Plant Maintenance Superintendent at the Graham Wastewater Plant on January 31, 2018 with over 20 years of service; and

**WHEREAS**, his wisdom, care, dedication and determination resulted in advancement within the City, while gaining the utmost respect from his colleagues and peers; and

**WHEREAS**, it is the desire of the City Council to extend their deepest appreciation to Mike for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

**NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:** Mike be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER PROCLAIMED THAT:** an expression of appreciation be extended to Mr. Mike Hodgin in the form of this Proclamation of Commendation and Appreciation, and that this Proclamation become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

**This the 6<sup>th</sup> day of February 2018.**

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**Jerry Peterman, Mayor  
City of Graham**



## **Proclamation of Commendation and Appreciation to Terry Worth for His Service to The City of Graham**

**WHEREAS**, Terry Worth diligently served the City of Graham Public Works Department from August 22, 1988 until January 31, 2018; and

**WHEREAS**, Terry retired as Public Works Director on January 31, 2018 with over 29 years of service; and

**WHEREAS**, his dedication and determination resulted in advancement through many leadership positions within the City, including Street Maintenance Supervisor, Street Superintendent and ultimately Public Works Director; and

**WHEREAS**, he successfully balanced his career, volunteer efforts and family all the while completing a Bachelor's Degree while employed with the City; and

**WHEREAS**, Terry has proven to be a repository of institutional knowledge and wisdom, providing aid and assistance to those of us fortunate enough to work alongside him; always ready to give sound advice grounded in his keen insights; and

**WHEREAS**, it is the desire of the City Council to extend their deepest appreciation to Terry for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:** Terry be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER RESOLVED THAT:** an expression of appreciation be extended to Mr. Terry Worth in the form of this Proclamation of Commendation and Appreciation, and that this Proclamation become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

**This the 29<sup>th</sup> day of January 2018.**

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**Jerry Peterman, Mayor  
City of Graham**

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, JANUARY 2, 2018  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, January 2, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Lee Kimrey  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Melody Wiggins

**Also Present:**

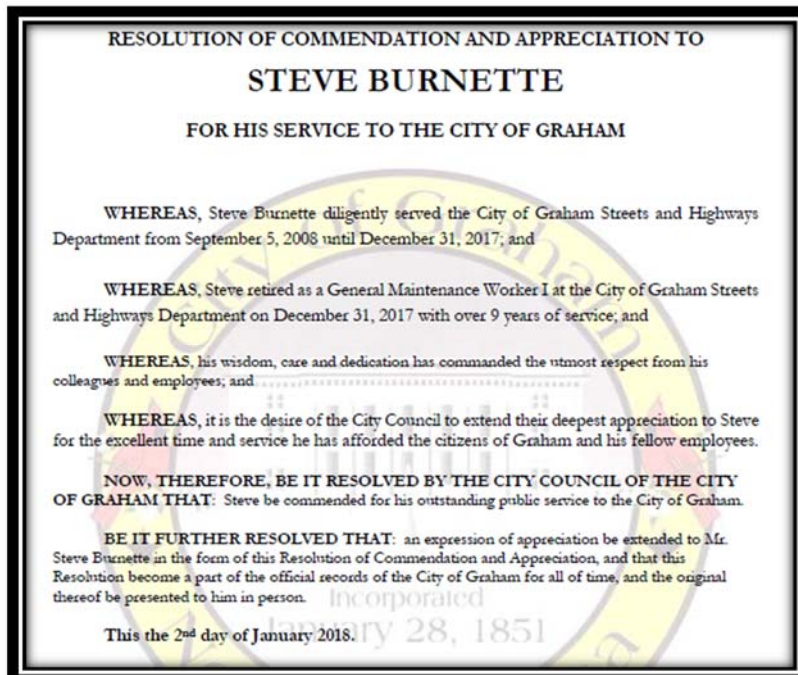
Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, Planning Director  
Keith Whited, City Attorney  
Sandra King, Finance Director  
Brian Faucette, Recreation & Parks Director  
Becky Loy, Cobb Ezekiel Loy & Company

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

**Honorary Resolution:**

- ***Steve Burnette – Resolution of Commendation and Appreciation for over 9 years of service to the City of Graham***

Mayor Peterman presented Mr. Steve Burnette with a Resolution of Commendation and Appreciation and a gift from the City. He thanked Mr. Burnette for his service to the City. Mr. Burnette thanked everyone while stating that he enjoyed his time with the City.



## **Consent Agenda:**

- a. Approval of Minutes – December 5, 2017 Regular Session***
- b. Amend Fee Schedule for Graham Recreation and Parks Day Camp***
- c. Amend City of Graham Code of Ordinances Officials Page***

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

Council Member Turner made a motion to approve items “a” and “c” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Recreation and Parks Director Brian Faucette about the increase in trip costs. Mr. Faucette explained that some of the increase is due to ticket prices and the addition of bringing in specialized professionals to teach campers. Council Members spoke favorably about the program and its ability to run at full capacity. Mayor Pro Tem Kimrey made a motion to approve item “b” on the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.


## **Old Business:**

- a. Approval of the Graham Historic Museum Advisory Board Enabling Ordinance***

City Manager Frankie Maness advised that this board has not yet met, so therefore, they have not voted on this proposed enabling ordinance and advised Council to postpone this item. Mayor Pro Tem Kimrey made a motion to postpone this item to next month, seconded by Council Member McClure. All voted in favor of the motion.

- b. Discuss Council Member Appointments to Boards and Commissions***

Mayor Peterman made the motion to accept the following Boards and Commissions appointments for Council Members, seconded by Council Member McClure. All voted in favor of the motion.

<b>Memorandum</b>		
To:	Graham City Council	
cc:	Frankie Maness	
From:	Darcy Sperry	
Date:	12/5/2017 & 1/2/2018	
Re:	Board Appointments	
		
<p>Below is the current listing of City Council Member appointments to various Boards and Commissions. The organizational meeting is an opportunity to discuss and/or make any changes to these appointments.</p>		
Board	Name	Term Expiration Date
Alamance County Community Services Agency	Mayor Jerry Peterman	City Council Term
Alamance County Economic Development Committee	Council Member Griffin McClure	City Council Term
Appearance Commission	Mayor Jerry Peterman	City Council Term
Audit Committee	Mayor Jerry Peterman	City Council Term
Cemetery Advisory Committee	Council Member Chip Turner	City Council Term
Fireman Pension Fund	Mayor Jerry Peterman	City Council Term
Graham Historical Museum	Council Member Melody Wiggins	City Council Term
Historic Resources Commission	Council Member Melody Wiggins	City Council Term
Piedmont Triad Regional Council	Council Member Griffin McClure	City Council Term
Piedmont Triad Regional Council, Alternate	Mayor Pro Tem Lee Kimrey	City Council Term
Recreation Commission	Council Member Chip Turner	City Council Term
TAC	Mayor Pro Tem Lee Kimrey	City Council Term
TAC, Alternate	Mayor Jerry Peterman	City Council Term

## **Requests and Petitions of Citizens:**

### ***a. A request by Chelsea Dickey to amend the Temporary Outdoor Sales Ordinance***

Mr. Tom Boney of the Alamance News asked staff about the current process by which a request can be placed on the agenda. He expressed concern with the lack of public notice given, while referencing another agenda item also on tonight's agenda that had public notice given and received a recommendation from the Planning Board. Mr. Maness explained that these two requests, while both initiated by citizens, they follow different core sets of guidelines. A Planning Board item follows the laws set forth in the state statutes related to Planning Boards and zoning which require certain public notices and the Planning Board to be involved. This request by Ms. Dickey does not follow that guideline, therefore by submitting something in writing, it can be placed on the agenda.

Assistant City Manager Aaron Holland gave a brief background of how this item came about. Last summer, resulting from a citizen request, Council discussed the City's Temporary Outdoor Sales ordinance. At that time, Council adopted a text amendment that allows for Temporary Outdoor Sales in the B-1 (Central Business District) as part of a City approved and permitted event. He added that Ms. Dickey addressed her concerns with the approved language at the October 3, 2017 City Council meeting, in which Council challenged staff to provide language that would alleviate her concerns with current regulations. The language that Ms. Dickey and staff are presenting to Council is one of the proposed options that staff provided as alternative language from the June 6, 2017 Council meeting. If approved, this would add Temporary Outdoor Sales to our Code of Ordinances and remove it from the Development Ordinance. Mr. Holland explained that the Development Ordinance regulates land use while the Code of Ordinances regulates behavior.

Following a discussion between Council and staff regarding the conflict we currently have with Temporary Outdoor Sales being in both the Code of Ordinances and the Development Ordinance, Mayor Peterman entertained comments from the floor.

Ms. Dickey of 200 North Main Street stepped forward to address Council. She stated that she wanted to bring this back to Council in hopes that Council would consider removing the language that states that Temporary Outdoor Sales in the B-1 district can only take place as part of a City approved and permitted event. She added that we are losing opportunity to other cities. Council Member Wiggins advised that we have to look at all outdoor sales and not just downtown.

Mr. Don Penny of Sutton's At The Wrike and Mr. & Mrs. Chuck Talley of 808 Sideview Street Graham expressed various concerns with Council adopting this proposed language. Mr. Ricky Hall of 2501 Pepperstone Drive Graham and Chairman of Graham's Planning Board stepped forward and expressed concern with why Council is entertaining an amendment to the ordinance they approved in June 2017. He stated that when the current language was adopted in June of 2017, Council said they would review it in one year.

Council Members briefly discussed the conflict this ordinance presents by having language governing temporary outdoor sales located in both the Code of Ordinances and the Development Ordinance. Council Members discussed that temporary outdoor sales is much more than just food trucks and that language needs to reflect all outdoor temporary sales.. Council Member McClure stated that he likes the concept of outdoor temporary sales on private property, with some mechanism allowing for discretionary use. Mayor Pro Tem Kimrey stated that the availability of personal property in the downtown area is low. He added that many buildings consume the entire parcel.



By consensus, Council Members agreed to table this item and challenged staff to come back with language that moves this into one code, creates a permit process for citizens and regulates non-profit and yard sales.

### **Recommendations from Planning Board:**

#### ***a. Public Hearing: AM1709 Duplex Dwellings. A request by Jim Albright to permit duplex dwellings as use-by-right in medium and high density zones***

Planning Director Nathan Page explained that this is an application by Mr. Jim Albright to amend the ordinance to permit Duplex Dwellings as a use by right in our medium and high density residential zones. Staff recommends that the definition of dwelling, duplex include that all duplexes shall maintain sufficient parking for residents on a concrete, asphalt or permeable substitute surface, not to include gravel, in the rear yard.

Mayor Pro Tem Kimrey spoke of the conflict that may arise if we allow someone to erect a duplex on a vacant piece of property governed by a homeowner association (HOA) covenant prohibiting duplexes. Mr. Page advised that the City does not enforce HOA covenants.

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

Mr. Maness stated that the City currently has approximately 2,000 acres of undeveloped land throughout the City. Council Members ultimately decided that the guidelines we already have in place for duplexes are sufficient. Mayor Pro Tem Kimrey made a motion that the text amendment be denied, the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan and that this action is not reasonable and in the public interest for the following reason: It does not provide us with enough oversight on our land use. Council Member Turner seconded the motion and all voted in favor of the motion.

### **Audit Presentation:**

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City's audit report for Fiscal Year 2016-2017. Ms. Rhodes stated that this is the third year in which her firm has done the audit and spoke favorably about the arrangement that the City maintains with Becky Loy of Cobb Ezekiel Loy & Company. She further stated that all operating funds yielded a surplus for the year, no findings were found and the City received an unmodified opinion – the cleanest and best opinion one can receive. Ms. Rhodes added that there were no difficulties or disagreements with management during this audit.

Council Members expressed their appreciation to Ms. Rhodes, Ms. Loy, Finance Director Sandra King and Mr. Maness for their efforts and asked that Mr. Maness pass that along to his staff.

### **North Carolina Department of Transportation Resolutions:**

#### ***a. Approve resolution regarding the improvements to widen and improve the radius and signal upgrade at the intersection of NC 54 and SR 1945 (Riverbend Road)***

Mr. Page explained that the North Carolina Department of Transportation (NCDOT) asked us if we had any low cost, high impact projects, excluding bicycle and pedestrian projects. The intersections of East Harden Street/Highway 54, Riverbend Road, and Johnson Avenue was identified as a project that fit the scope laid out by NCDOT. Mr. Page added that these intersections were also part of a City-initiated study in 2009 (09-023 by John Davenport Engineering, Inc.) that evaluated safety and design improvements. Amongst the study recommendations is to control access in the vicinity of the intersection, namely closing the driveway to the Am-Mex restaurant which is located on Highway 54.

Following a brief discussion between Council and staff, Council Member Wiggins made a motion to approve the Resolution regarding the improvements to widen and improve the intersection of Highway 54 and State Route 1945, that includes a request for pedestrian amenities and Johnson Avenue alignment, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

<p style="text-align: center;"><b>RESOLUTION REGARDING THE IMPROVEMENTS TO WIDEN AND IMPROVE THE RADIUS AND SIGNAL UPGRADE AT THE INTERSECTION OF NC 54 AND SR 1945 (RIVERBEND ROAD)</b></p> <p>WHEREAS, G.S. 136-11.1 requires that the North Carolina Department of Transportation ("NCDOT") request a resolution from all municipalities and counties affected by certain planned transportation projects to express their views on the project prior to any action taken by the North Carolina Board of Transportation ("Board");</p> <p>WHEREAS, the Department has proposed committing in excess of \$250,000 in High Impact-Low Cost funds for improvements to widen and improve the radius and signal upgrade at the intersection of NC 54 and ST 1945 (Riverbend Road) which is a planned transportation project;</p> <p>WHEREAS, pursuant to G.S. 136-11.1, the City is provided the opportunity to state its views on the Project through this resolution before action of the Board; and</p> <p>WHEREAS, the Department and the Board shall consider, but shall not be bound by, the views of the City regarding the Project.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, THAT:</p> <p>Section 1. City of Graham supports the Project, to include, as it will enhance the safety of the traveling public in the area and requests the Department and the Board approve the Project.</p> <p>Section 2. The City believes that the Project should include:</p> <p style="margin-left: 40px;">A. Pedestrian safety improvements and amenities;</p> <p style="margin-left: 40px;">B. The closure of the Am-Mex driveway in proximity to the intersection; and</p> <p style="margin-left: 40px;">C. Alignment of Johnson Ave.</p> <p>Section 3. This resolution shall be effective upon passage.</p> <p>This the <u>2</u> day of <u>JANUARY</u> 2018.</p>
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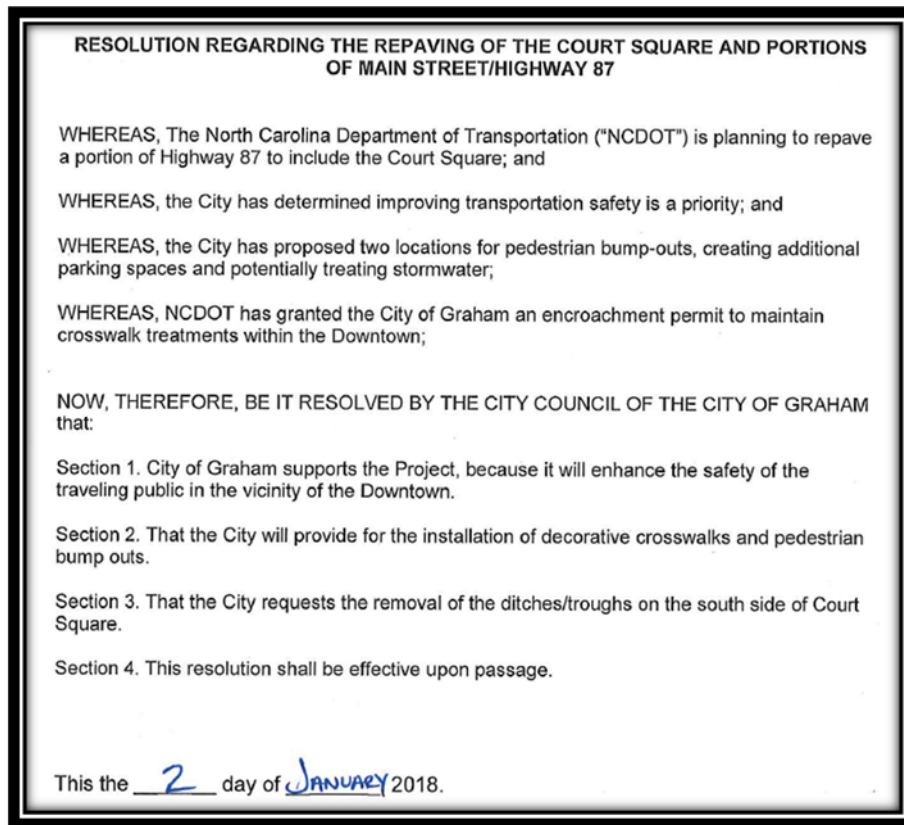
**b. Approve resolution regarding the repaving of the Court Square and portions of Main Street/Highway 87**

Mr. Page explained that this Resolution differs from the one just approved in that this does involve City funds. He added that NCDOT will cover the cost of repaving; however the City of Graham will be responsible for paying for both bump-outs, as well as the replacing of the decorative crosswalks downtown. The City asked the City's engineer to investigate the cost of repaving and installation of two bump-outs. The estimated price for the decorative crosswalks is \$40,000 and both bump-outs are \$60,000 combined.



Council Members and staff discussed the effect bump-outs may have on existing parking spaces. Mr. Page advised it's too early to speak on those numbers. Also brought up was the idea of reverse angle parking, as shown in one of the plans included in the agenda packet. Mr. Maness stated that we are not to the point of determining that now and this resolution does not include reverse angle parking. Also discussed was stormwater run-off and asking NCDOT to remove the ditches/troughs on the south side of Court Square.

With no further comments forthcoming, Council Member Turner made a motion to approve the attached Resolution regarding to improve transportation safety within our Downtown and include the request the removal of the ditches/troughs on the south side of Court Square. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.



### **Issues Not on Tonight's Agenda:**

Council Member Wiggins stated that she has received complaints about logging trucks in the downtown area and inquired as to whether or not we have requested NCDOT to re-route trucks such as these around the downtown area. Mayor Peterman advised that some trucks are not allowed on the Interstate and are therefore being re-routed through Graham. Mayor Pro Tem Kimrey stated that he has received complaints too about logging trucks on Main Street and unfortunately, there is not a good answer.

Mayor Pro Tem Kimrey stated that several members of the Board of Adjustment have requested that there be legal representation at the Board of Adjustment or any Quasi-Judicial meetings that may take place during a Planning Board meeting. Mr. Maness advised that if City Attorney Keith Whited were to attend these meetings and were to be asked a question during the hearing, he would then become a witness.

This could potentially create a conflict should someone take the City to Superior Court and Mr. Whited is a witness, preventing him from representing the City. Mr. Whited explained that he has given advice to Planning Board/Board of Adjustment members in the past and is always available to answer legal questions outside the confines of a hearing or meeting.

Council Member Turner thanked the Council and staff for the acts of kindness shown to him during the recent passing of his mother.

Council Member McClure encouraged Council Members to spend time thinking about and advocating on behalf of the citizens of Graham with regards to the education bond being brought before the County Commissioners.

At 9:31 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
RELEASE ACCOUNTS**

**FEBRUARY COUNCIL MEETING**

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
123851	2017	RUMPLE, WILLIAM TERRY	BOAT REGISTERED IN GA	6.12
614337	2017	DEAN, JOEL ALAN	NO LONGER OWNS BOATS	105.11
627655	2017	HOLT, RONALD WAYNE	DID NOT OWN JET SKIS JAN 2017	1.68

***TOTAL RELEASES      112.91***

**CITY OF GRAHAM  
REFUNDS**

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**FEBRUARY COUNCIL MEETING**

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
467922	2017	FRESHWATER, BEN & FAYE	QUALIFIED FOR HOMESTEAD EXEMPTION	147.25
645378	17228	AMOS, SHARON DENNIS L/E	QUALIFIED FOR HOMESTEAD EXEMPTION	265.74

***TOTAL REFUNDS      412.99***

# City of Graham


P. O. Drawer 357  
201 South Main Street  
Graham, North Carolina 27253  
Tel: (336) 570-6700 / Fax: (336) 570-6703

## MID YEAR REPORT

January 31, 2018

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,046,375,490	0.455%	4,761,011.38
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	4,884,666		22,225.23
<u>ANNEXATIONS:</u>	675,879		2,577.72
<u>ABATEMENTS:</u>	(3,880,455)		(17,670.87)
CURRENT LEVY	1,048,055,580		4,768,143.46
OUTSTANDING REAL PROPERTY TAXES:			229,720.16
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>28,168.83</u>
TOTAL OUTSTANDING TAXES			257,888.99
CURRENT YEAR TAXES COLLECTED:			4,510,254.47
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			94.59%

I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 15, 2018 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.

Submitted by Sandy P. Callahan, Tax Collector 



## MEMO

**DATE:** JANUARY 31, 2018  
**TO:** FRANKIE MANESS & CITY COUNCIL  
**FROM:** SANDY P. CALLAHAN  
**RE:** DEBT SETOFF UPDATE

The North Carolina Debt Setoff Program provides a means for counties and cities to garnish state income tax returns as well as lottery prizes to collect delinquent debts. In summary, the program involves sending qualifying debts to a Clearinghouse that has been jointly established by the NC Association of County Commissioners and the League of Municipalities. The Clearinghouse, which is operated by Five Star Computing, Inc., cross-references the debts with the NC Department of Revenue's information in order to match the debt with any available state income tax refund due the debtor. If a refund exists, then the amount(s) submitted by the counties/cities are offset and paid to the counties/cities. Debts owed to any state agency take priority over debts to local agencies, and local agency debts are set off on a first come, first serve basis.

There is a \$15 charge by Five Star Computing, Inc. and a \$5 charge by the Dept of Revenue for each successful match of an individual's tax refund. Both charges are added to the debt and no fees are charged to the City of Graham.

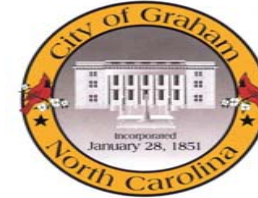
The City of Graham adopted to participate in the North Carolina Debt Setoff Program (N.C.G.S. 105A) on May 7, 2002. We are in our sixteenth year participating in the program and it has been very profitable for the City of Graham. Please see our results to date below.

OVERALL TOTALS							
<u>YEAR</u>	<u>TAX</u>	<u>UTILITY</u>	<u>POLICE</u>	<u>LAKE</u>	<u>TOTAL</u>	<u>REFUND</u>	<u>NET TOTAL</u>
2003	299.46	596.28			895.74	0.00	895.74
2004	1,000.13	5,721.15			6,721.28	0.00	6,721.28
2005	4,876.92	5,095.24			9,972.16	(859.43)	9,112.73
2006	1,083.01	4,411.98			5,494.99	(374.20)	5,120.79
2007	3,076.88	8,973.95			12,050.83	(666.16)	11,384.67
2008	2,150.13	6,279.26			8,429.39	(1,072.72)	7,356.67
2009	1,015.83	10,191.10			11,206.93	(1,019.79)	10,187.14
2010	1,167.67	7,454.13			8,621.80	(375.53)	8,246.27
2011	369.64	6,356.95			6,726.59	(615.41)	6,111.18
2012	82.45	8,989.31			9,071.76	(1,069.19)	8,002.57
2013	630.20	6,665.78	106.13		7,402.11	(398.97)	7,003.14
2014	2,028.10	12,098.06	568.87		14,695.03	(2,118.74)	12,576.29
2015	614.05	5,552.79	234.90	75.00	6,476.74	(395.49)	6,081.25
2016	716.21	5,766.81	119.00	0.00	6,602.02	(707.21)	5,894.81
2017	207.82	5,829.00	0.00	0.00	6,036.82	(481.60)	5,555.22
	19,318.50	99,981.79	1,028.90	75.00	120,404.19	(10,154.44)	110,249.75



# Memorandum

**To:** Graham City Council  
**cc:** Frankie Maness  
**From:** Darcy Sperry  
**Date:** 2/6/2017  
**Re:** Firemen Pension Fund



At the January 2, 2018 Council meeting, the Fireman Pension Fund was inadvertently left on the list of available boards/commissions. This board does not require Council representation, as Mayor Peterman was officially removed from this board on January 5, 2016.

<b><u>Board</u></b>	<b><u>Name</u></b>	<b><u>Term Expiration Date</u></b>
Alamance County Community Services Agency	Mayor Jerry Peterman	City Council Term
Alamance County Economic Development Committee	Council Member Griffin McClure	City Council Term
Appearance Commission	Mayor Jerry Peterman	City Council Term
Audit Committee	Mayor Jerry Peterman	City Council Term
Cemetery Advisory Committee	Council Member Chip Turner	City Council Term
<b>Fireman Pension Fund</b>	<b>Mayor Jerry Peterman</b>	<b>City Council Term</b>
Graham Historical Museum	Council Member Melody Wiggins	City Council Term
Historic Resources Commission	Council Member Melody Wiggins	City Council Term
Piedmont Triad Regional Council	Council Member Griffin McClure	City Council Term
Piedmont Triad Regional Council, Alternate	Mayor Pro Tem Lee Kimrey	City Council Term
Recreation Commission	Council Member Chip Turner	City Council Term
TAC	Mayor Pro Tem Lee Kimrey	City Council Term
TAC, Alternate	Mayor Jerry Peterman	City Council Term



## Volunteer Application City of Graham Boards and Commissions

JAN 03 2018

CITY OF  
GRAHAM

If you are a City of Graham resident or reside in the extra-territorial jurisdiction (ETJ), at least 18 years, and are willing to volunteer your time and expertise to your community, please complete and return to:

**\*Applications will be kept on file for 3 years**

By mail: City of Graham, Attn: City Clerk, PO Drawer 357, Graham, NC 27253

By email: dsperry@cityofgraham.com

By Fax: (336)570-6703

For questions, call: (336)570-6700

**Please check all Boards and Commissions on which you would be willing to serve:**

Extra-territorial residents can only serve on the Board of Adjustment or the Planning Board

- |  |   |
|--|---|
| <input type="checkbox"/> Alamance County Library Committee (2 years) | <input type="checkbox"/> Graham Housing Authority (5 years)         |
| <input type="checkbox"/> Alcohol Beverage Control (3 years)          | <input type="checkbox"/> Graham Sports Hall of Fame (6 years)       |
| <input type="checkbox"/> Appearance Commission (3 years)             | <input type="checkbox"/> Historic Resources Commission (4 years)    |
| <input type="checkbox"/> Board of Adjustment (3 years)               | <input type="checkbox"/> Planning Board (3 years)                   |
| <input type="checkbox"/> Canine Review Board (3 years)               | <input checked="" type="checkbox"/> Recreation Commission (3 years) |
| <input type="checkbox"/> Graham Historical Museum (3 years)          | <input type="checkbox"/> Tree Board (3 years)                       |

**If you are currently serving on a Board in the City of Graham, please list:**

None currently, was on Planning Board June 2012-2014

**Personal Information**

Name: Dr. Tim Beshel

Mailing Address: 502 Wildwood Ln., Graham, NC 27253

Home Address (if different) "

Home Phone: 336-264-5181 Work Phone: 336-227-6000

Employer: Beshel Chiropractic Position: Owner/Chiropractor

Email Address: tjbeshel@gmail.com

**Civic Involvement (please list the names of civic organizations in which you hold current membership):**

Graham Rotary (2010-2017), Graham Optimist Club (2010-2017), Graham Area Bus. Assoc., Alamance Chamber, Board Chair Little Pink Houses of Hope, Board Member Denise Roberts Found.

**Please list any work, volunteer, and/or educational experience that you would like us to consider**

See Above, also; Alamance Chamber Education Council, Blessed Sacrament School Annual Fund Chair, Business Network International Member, N.C. Chiropractic Association, Owner of Local Chiropractic Office,

**Why do you wish to serve the City in this capacity?** Graham Rec Dept. Volunteer Youth Coach

Sports has been an integral part of developing me as a person, establishing life qualities such as teamwork, work ethic, commitment, time management and many others. These qualities are vital in leading a successful life. I would love the opportunity to help lay the groundwork and build upon the great existing Parks and Rec Dept. here in Graham!

**RECEIVED****JAN 12 2018****CITY OF  
GRAHAM**

## Volunteer Application City of Graham Boards and Commissions

If you are a City of Graham resident or reside in the extra-territorial jurisdiction (ETJ), at least 18 years, and are willing to volunteer your time and expertise to your community, please complete and return to:

**\*Applications will be kept on file for 3 years**

By mail: City of Graham, Attn: City Clerk, PO Drawer 357, Graham, NC 27253

By email: [dsperry@cityofgraham.com](mailto:dsperry@cityofgraham.com)

By Fax: (336)570-6703

For questions, call: (336)570-6700

**Please check all Boards and Commissions on which you would be willing to serve:**

Extra-territorial residents can only serve on the Board of Adjustment or the Planning Board

- |  |  |
|--|--|
| <input type="checkbox"/> Alamance County Library Committee (2 years) | <input type="checkbox"/> Graham Housing Authority (5 years)              |
| <input type="checkbox"/> Alcohol Beverage Control (3 years)          | <input checked="" type="checkbox"/> Graham Sports Hall of Fame (6 years) |
| <input type="checkbox"/> Appearance Commission (4 years)             | <input type="checkbox"/> Historic Resources Commission (4 years)         |
| <input type="checkbox"/> Board of Adjustment (3 years)               | <input type="checkbox"/> Planning Board (3 years)                        |
| <input type="checkbox"/> Canine Review Board (3 years)               | <input type="checkbox"/> Recreation Commission (3 years)                 |
| <input type="checkbox"/> Graham Historical Museum (3 years)          | <input type="checkbox"/> Tree Board (3 years)                            |

**If you are currently serving on a Board in the City of Graham, please list:**

### Personal Information

Name: Doug Rowe

Mailing Address: P.O. Box 452 GRAHAM, N.C. 27253

Home Address (if different) 2908 ETHAN POINTE DR. APT #1203 BURLINGTON, N.C. 27215

Home Phone: 336-263-9490 Work Phone: 336-213-9176

Employer: ELON UNIVERSITY Position: ATHLETIC FIELDS / PAINTER

Email Address arowe3@elton.edu

**Civic Involvement (please list the names of civic organizations in which you hold current membership):**

NONE.

**Please list any work, volunteer, and/or educational experience that you would like us to consider**

ATHLETIC SUPERVISOR FOR THE CITY OF GRAHAM FROM 1998-2001. VOLUNTEER COACH BASEBALL > City of Graham.

**Why do you wish to serve the City in this capacity?**

I GREW UP, WENT TO SCHOOL, AND PLAYED SPORTS IN GRAHAM. I WOULD LIKE TO BE A PART OF THE GRAHAM SPORTS HALL OF FAME.





## Volunteer Application City of Graham Boards and Commissions

RECEIVED Page 18 of 34

JAN 23 2018

CITY OF  
GRAHAM

If you are a City of Graham resident or reside in the extra-territorial jurisdiction (ETJ), at least 18 years, and are willing to volunteer your time and expertise to your community, please complete and return to:

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- |  |  |
|--|--|
| <input type="checkbox"/> Alamance County Library Committee (2 years) | <input type="checkbox"/> Graham Housing Authority (5 years)              |
| <input type="checkbox"/> Alcohol Beverage Control (3 years)          | <input checked="" type="checkbox"/> Graham Sports Hall of Fame (6 years) |
| <input type="checkbox"/> Appearance Commission (3 years)             | <input type="checkbox"/> Historic Resources Commission (4 years)         |
| <input type="checkbox"/> Board of Adjustment (3 years)               | <input type="checkbox"/> Planning Board (3 years)                        |
| <input type="checkbox"/> Canine Review Board (3 years)               | <input type="checkbox"/> Recreation Commission (3 years)                 |
| <input type="checkbox"/> Graham Historical Museum (3 years)          | <input type="checkbox"/> Tree Board (3 years)                            |

If you are currently serving on a Board in the City of Graham, please list:

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### Personal Information

Name: PAT. MOSER

Mailing Address: 615 N. MAIN ST

Home Address (if different) GRAHAM NC 27253

Home Phone: 336 343 9978

Work Phone: —

Employer: ORANGE COUNTY SCHOOLS Position: DRIVERS EDUCATION INST

Email Address Pat.moser1964@gmail.com

**Civic Involvement (please list the names of civic organizations in which you hold current membership):**

---

Please list any work, volunteer, and/or educational experience that you would like us to consider

Retired Teacher/Coach 30 years exp.

Why do you wish to serve the City in this capacity?

Knowledge of Graham Sports History



# STAFF REPORT

SUBJECT:	CLOSURE OF 100 BLOCK OF WEST ELM ST. FOR CONCERT DATES AND RAIN DATES FOR THE THURSDAY AT SEVEN CONCERT SERIES
PREPARED BY:	BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS

## REQUESTED ACTION:

The Recreation and Parks Department requests the closure of the 100 block of W. Elm St. in downtown Graham on May 24<sup>th</sup>, June 28<sup>th</sup>, July 26<sup>th</sup>, August 23<sup>rd</sup>, September 13<sup>th</sup>, & September 27<sup>th</sup> for regular scheduled dates for the 2018 Thursday at Seven Concert Series. All closures except on Sept. 13<sup>th</sup> will begin at 5:00pm and re-open by 11:30pm. On September 13<sup>th</sup>, the request is to close the street at 4:30pm per request from the band playing that night. In the event a concert must be postponed, we also request approval for a 5:00pm closure with an 11:30pm re-opening on the following dates for possible make-up dates. May 29<sup>th</sup> & 31<sup>st</sup>; June 5<sup>th</sup>, 7<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup> & 26<sup>th</sup>; July 10<sup>th</sup>, 12<sup>th</sup>, 17<sup>th</sup>, 19<sup>th</sup>, 24<sup>th</sup> & 31<sup>st</sup>; August 2<sup>nd</sup>, 7<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup> & 30<sup>th</sup>; September 4<sup>th</sup>, 6<sup>th</sup>, 11<sup>th</sup>, 18<sup>th</sup>, 20<sup>th</sup> & 25<sup>th</sup> and October 2<sup>nd</sup> & 4<sup>th</sup>.

## BACKGROUND/SUMMARY:

City Council has approved the closure of the 100 block of West Elm St. for the concerts series held from May – September for 15 years. The additional dates will give staff and bands the option to reschedule concerts on days with possible inclement weather or when other issues may arise.

## FISCAL IMPACT:

No fiscal impact to the City of Graham aside from the regularly budgeted concerts.

## STAFF RECOMMENDATION:

Approval

## SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE CLOSURE OF THE 100 BLOCK OF WEST ELM ST. ON MAY 24<sup>TH</sup>, JUNE 28<sup>TH</sup>, JULY 26<sup>TH</sup>, AUG. 23<sup>RD</sup>, & SEPT. 27<sup>TH</sup> FROM 5PM-11:30PM AND SEPT. 13<sup>TH</sup> FROM 4:30PM-11:30PM FOR THE 2018 THURSDAY AT SEVEN CONCERT SERIES. AN ADDITIONAL APPROVAL TO CLOSE THE 100 BLOCK OF WEST ELM ST. EACH TUESDAY OR THURSDAY BEGINNING MAY 29<sup>TH</sup> & ENDING OCT. 4<sup>TH</sup>, EXCLUDING THE WEEK OF JULY 4<sup>TH</sup>, FOR RESCHEDULED CONCERTS IS INCLUDED.

## STAFF REPORT

SUBJECT:	ENABLING RESOLUTION FOR THE GRAHAM HISTORICAL MUSEUM ADVISORY BOARD
PREPARED BY:	BRIAN FAUCETTE, DIRECTOR OF RECREATION AND PARKS

### REQUESTED ACTION:

Approve the Resolution Establishing the Graham Historical Museum Advisory Board.

### BACKGROUND/SUMMARY:

For many years the Graham Historical Museum at 135 W. Elm Street was operated by a group of dedicated volunteers. Although the City had affiliation with the former Board, it is underdetermined if the Board was an official Board of the City and what powers, purposes and guidelines were set forth. The City owns of the building that houses the museum and it also serves as home to municipal offices.

Creation of the Graham Historical Museum Advisory Board would focus more attention to the operation of the Graham Historical Museum as well as the duties set forth in the resolution. The existing board recommends approval of the content of the resolution and it is stipulated that their appointments be transferred.

### FISCAL IMPACT:

It is expected the Graham Historical Museum Advisory Board will make budget requests for operation of the Graham Historical Museum. The Recreation and Parks Department currently maintains three offices within the building and budgets for utilities and building maintenance.

### STAFF RECOMMENDATION:

Approval

### SUGGESTED MOTION(S):

I make a motion to adopt the Resolution Establishing the Graham Historical Museum Advisory Board.



**RESOLUTION ESTABLISHING THE GRAHAM HISTORICAL MUSEUM ADVISORY BOARD**

**WHEREAS**, the City of Graham owns the Graham Historical Museum at 135 W. Elm Street; and

**WHEREAS**, the City Council wishes to establish a board to advise the City Council and staff as to the operations and maintenance of the facility; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT** the Graham Historical Museum Advisory Board is hereby established to serve as an advisor to the City Council as it relates to the operation of the City's Historical Museum and artifacts housed therein.

**BE IT FURTHER RESOLVED THAT:**

1. The mission of the Graham Historical Museum Advisory Board is to:
  - a) Create an environment that displays artifacts in a well-organized and visually appealing setting;
  - b) Catalog items stored and displayed in the Graham Historical Museum;
  - c) Maintain records by serving as administrator for current gifts and contributions of artifacts relevant to Graham's history;
  - d) Serve as responsible stewards and representatives of the Graham Historical Museum;
  - e) Encourage community involvement by promoting the Museum through educational programs, special events, and partnerships with local businesses, civic organizations and City government.
2. APPOINTMENT:
  - a) The City Council will appoint seven (7) members to serve three-year staggered terms.
  - b) Members shall maintain permanent residence within the City of Graham or its extraterritorial jurisdiction.
  - c) Members may be appointed to successive terms without limitation.
  - d) A member may be vacated for failure to attend two (2) consecutive meetings of the Board without prior notice.
  - e) Current Members appointed by the Graham City Council to the "Graham Historical Museum Board of Directors" are hereby initial appointees to the Graham Historical Museum Advisory Board, serving the previously established term.
3. MEETINGS:

The Graham Historical Museum Advisory Board shall hold regularly scheduled meetings on a day and time agreed upon by a majority of the members.
4. VOTING:

A majority of the members shall constitute a quorum and the concurring vote of at least a majority of those members present shall be required before any recommendation is made or any matter considered.
5. OFFICERS:
  - a) The Graham Historical Museum Advisory Board shall elect a Chair, Vice-Chair and Secretary by a majority vote of Board members present.

- b) Officers may succeed themselves for an indefinite period based on approval and subsequent voting by the Board provided they continue to meet all criteria of membership.
- c) An officer can be removed from his/her position by a membership vote that is two-thirds of quorum. Advance notice of the motion to remove an officer must be given to the officer seven (7) days prior to the meeting at which the vote on the motion will take place.

Adopted this 6<sup>th</sup> day of February, 2018.

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Jerry Peterman - Mayor

ATTEST:

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Darcy Sperry, City Clerk



# STAFF REPORT

SUBJECT:	AMEND TEMPORARY OUTDOOR SALES ORDINANCE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

## REQUESTED ACTION:

Provide feedback and direction for proposed Temporary Outdoor Sales ordinance.

## BACKGROUND/SUMMARY:

During the January 2, 2018 City Council meeting, Chelsea Dickey (The Cooperative) and staff presented language to Council for consideration and direction. Upon further discussion, Council directed staff to present proposed language at the February 6<sup>th</sup> Council meeting based on the input provided by Council members, business owners and citizens.

In an effort to resolve conflicting ordinances and provide clarity, staff is proposing language that provides an avenue for a vendor to operate on private property with permission from the property owner. This language also outlines criteria for operation including permitting, duration, and signage regulations.



## FISCAL IMPACT:

N/A

## STAFF RECOMMENDATION:

Staff recommends adding the proposed language to the City of Graham Code of Ordinances and removing the existing language from the City of Graham Development Ordinances to eliminate conflicts.

## SUGGESTED MOTION(S):

I move to schedule a 1<sup>st</sup> reading of the Ordinance amendment to Chapter 8, Article VIII of the Code of Ordinances to add language for Temporary Outdoor Sales on March 6, 2018.

**PROPOSED LANGUAGE:****Temporary Outdoor Sales:**

The following restrictions apply to all Temporary Outdoor Sales on private property. These restrictions shall not apply to Garage Sales, as that term is used and defined in Article 8-306 et seq., Code of Ordinances, City of Graham, which shall hereafter continue to regulate such sales and conduct.

The following restrictions shall not apply to farmers selling goods grown on their own property, nor to schools, educational, religious, or 501(c)(3) organizations, when the proceeds from such solicitation, in excess of the cost of the goods sold, are used for the scholastic, educational, religious or charitable purposes of described organizations. All other organizations shall limit their outdoor sales as follows:

1. **Permit Required:** Any vendor seeking to make use of this ordinance must apply to the City for a permit on an annual basis and pay the fee for the permit. The issuance of the permit is contingent upon the continuous operation of the liability insurance and any other regulatory requirement, such as health department food service permit for mobile food service.  

**[this section needs to be amended to show the department and location of the administration of the permitting process].**
2. **Cleanliness and Sanitation:** Vendors must post in a conspicuous place, visible to the public from the service window, all licenses and permits required by any regulator, including but not limited to the Health Department and Department of Insurance. Vendors are required to keep a 15 foot buffer free of trash. Vendors may not increase the burden on City Sanitation by using the City trash receptacles. Vendors must provide a private means for trash disposal.
3. **Hours of Operation:** Vendors may not begin their operations before 7AM. Vendors must complete all operations before 11PM. Except as a part of a city sanctioned event, the truck/stand/appurtenances shall not occupy any single location for greater than three hours.
4. **Duration:** The property owner shall only allow the use of their property to any vendor a total of sixty (60) days within a calendar year.
5. **Permitted locations:** The zoning of the property must allow for the intended use of the vendor in accordance with the City of Graham Development Ordinances. Vendors may conduct sales within the public right-of-way in locations directed by City Staff when the City Council has approved a temporary street closing for a City-sponsored event such as a street festival/fair.
6. **Sound:** Generator(s) must not run within 200' of a dwelling unit after 9 PM, nor before 8AM, except as part of a City sanctioned event. No vendor supplied music or amplified advertising shall be permitted at any time.
7. **Unattended sales:** All vendors must have personnel at the site of temporary sale at all times. The vendor site shall not be left unattended for more than ten minutes.
8. **Signage:** Other than any signs painted on the mobile unit (for example on the side of a food truck), only one A-frame sign, not to exceed 3 square feet per side is permitted.

Violation: A violation of this ordinance shall be punishable as a Class 3 misdemeanor, subject to a fine not to exceed \$500.00 as provided in section 14-4 of the General Statutes of North Carolina (G.S. 14-4). Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense. The imposition of a penalty under the provisions of this ordinance shall not prevent the revocation or suspension of any license, franchise or permit issued or granted hereunder. A violation of this ordinance is declared a nuisance to the public and may be summarily abated by the Chief of Police in addition to the imposition of a fine or imprisonment. Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

(Section added xx/xx/xx).

## STAFF REPORT

SUBJECT:	DOWNTOWN REVOLVING LOAN FUND CONSULTING AGREEMENT WITH THE NC RURAL CENTER
PREPARED BY:	ALEXA POWELL, PLANNER

### REQUESTED ACTION:

Direct staff to execute a consulting agreement with the NC Rural Center for the management of a downtown revolving loan fund for the City of Graham.

### BACKGROUND/SUMMARY:

The Creative Economic Development Consulting group has created an economic development analysis for the downtown and highly recommended the revolving loan fund as the initial starting point.

The City of Graham received a \$50,000 Revitalization and Economic Development award for downtown revitalization. This money was provided by the State of North Carolina's Rural Development Division within the Department of Commerce authorized under NC Sessions Law 2015-57, Senate Bill 257, Section 15.8(a). On September 15, 2017, the Graham City Council voted to submit a proposal to the State to use these funds for a downtown revolving loan fund.



The State approved this use of funds and requested the City of Graham provide an implementation plan. In the course of researching strategies for developing this revolving loan fund City Staff identified a potential resource to help manage this program and leverage these dollars to increase downtown investment.

The Rural Center is a private, nonprofit organization that operates in rural communities statewide to “develop, promote and implement sound economic strategies to improve the quality of life of rural North Carolinians”. As part of their mission, The Rural Center has multiple programs aimed at making capital available for business startups and expansion including a successful track record of setting up revolving loan funds as an independent administrator. To date they have set up revolving loan funds in 11 other communities, including Marion, Kinston, and Lumberton. In addition, over the course of the last two years the portfolio of loans under their management, which are structured to expect 80% return to the fund, are currently ahead of expectations having recouped 95% of the loans issued.

After multiple discussions with The Rural Center about the structure of any potential partnership they indicated a willingness to serve as an independent administrator for the Graham revolving loan fund. There is a one-time setup fee of \$5,000 associated with training. To cover the cost of managing these funds The Rural Center will use the interest earned off the loans. Therefore, there is no ongoing expense to the City for this service. Below is a brief summary of the proposed agreement.

Engaging an independent administrator to manage this fund provides several benefits.



- 1) Insulates the City of Graham from decision making and potential conflicts or perceptions of unfairness.
- 2) Reduces time and administrative burden for City staff.
- 3) Engages experts in small business to insure an evergreen fund by implementing their best management practices in lending.

The Rural Center Responsibilities:

- 1) Serve as the lender and loan fund administrator following its own lending and fund management procedures.
- 2) Provide training to City staff and volunteers on their marketing, promotion, and advisory roles in support of the revolving loan fund.
- 3) Make up to \$50,000 of additional loan principal available for the revolving loan fund upon the disbursement of the initial \$50,000 (ie. 50% matching funds).

City of Graham Responsibilities:

- 1) Provide a \$5,000 one-time set-up fee to The Rural Center associated with providing training and creating marketing materials to communicate the program details.
- 2) Provide the \$50,000 loan principal to capitalize the revolving loan fund.
- 3) Serve as the lead role in marketing and outreach.
- 4) Manage the reporting relationship with the NC Department of Commerce and complete required documentation related to the grant award.
- 5) Identify individuals for the advisory council. Note: A local loan advisory committee will provide background and context but will not serve a formal decision making role.
- 6) Work with The Rural Center to define eligibility criteria for loan recipients.

Attached is a copy of the language of the full consulting agreement.

**FISCAL IMPACT:**

The City would utilize existing grant funds in the amount of \$50,000 provided by the Rural Economic Development Division of North Carolina which were previously approved for this purpose. As a partnership, the City of Graham stands to gain an additional \$50,000 of value through the matching contribution to the loan fund by The Rural Center.

Instead of deducting the one-time setup fee from the loan fund allocation we are requesting a \$5,000 contribution from City. This will allow the full amount of the grant to be invested locally for downtown revitalization and to increase the available matching funds from The Rural Center. This will bring the revolving loan fund balance to \$100,000.

**STAFF RECOMMENDATION:**

Staff's recommendation is to approve the execution of this consulting agreement with the NC Rural Center for the management of a downtown revolving loan fund for the City of Graham.

**SUGGESTED MOTION(S):**

I move we authorize the City Manager to sign a Consulting Agreement with The Rural Center to manage the Graham revolving loan fund and authorize a one-time \$5,000 set-up fee.

## **Consulting Agreement**

This Agreement, made this XX day of XXXX, 2018, by and between the City of Graham, North Carolina and the Rural Economic Development Center, Inc., a North Carolina non-profit corporation, hereinafter called "The Rural Center".

### **Background**

The City of Graham has received a \$50,000.00 Revitalization and Economic Development award for downtown revitalization as authorized under NC Session Law 2015-57, Senate Bill 257, Section 15.8 (a). The NC Department of Commerce Rural Economic Development Division will administer the grant for the City of Graham. The Department of Commerce has approved the City of Graham's project proposal to use the grant award to support a small business revolving loan fund for downtown revitalization and economic development.

The City of Graham approached the Rural Center to serve as the revolving loan fund manager for the project. The Rural Center currently administers revolving loan funds for 11 small towns and cities across the state.

### **Purpose**

This Agreement sets forth the guidelines and understanding between the City of Graham and The Rural Center related to the establishment, operation, and use of a small business revolving loan fund.

### **Roles and Responsibilities**

#### **Rural Center**

1. The Rural Center will serve as the lender and loan fund administrator for the revolving loan fund. Except as outlined in this agreement, the Rural Center will follow its own lending and fund management procedures. Specific lending and administration roles include:
  - a. Manage intake and client communications for pre-application and loan inquiries
  - b. Process and underwrite loan applications
  - c. Set terms and pricing for all loans – see loan terms section for more detail
  - d. Make loan funding decisions - a local advisory committee will provide background and context, but will not serve in a formal decision making role
  - e. Prepare and execute documentation required for closing loans and securing any required collateral or guarantees

- f. Service loans to term, including issuing statements and other required documentation to collecting principal and interest payments, responding to borrower inquiries and questions, etc.
  - g. Conduct basic collections activity, which may include collection letters and other communications with borrowers regarding late payments and past-due loan balances
  - h. Oversee advanced collections activity – which may include legal action, enforcing security and collateral agreements – delinquent loans will be assessed on a case-by-case basis in consultation with City of Graham staff and third party legal or collections expenses will be billed to the fund
  - i. Provide fund activity and status reports – see reporting schedule for more detail
2. Provide training and guidance to the City staff and volunteers on their marketing, promotion and advisory roles in support of the revolving loan fund. The Rural Center will provide a handbook which provides a detailed outline and examples of the loan intake, underwriting and servicing process. The handbook also outlines advisory roles and provides templates for marketing materials.

#### City of Graham

1. The City of Graham will serve in a lead role for marketing and outreach and in an advisory role for loan fund decision-making. Specific roles include:
  - a. With guidance from the Rural Center, the City will develop and distribute local naming, branding and marketing materials for the revolving loan fund
  - b. City staff and volunteers (Community College Small Business Center, chamber of commerce, ect.) will serve as initial points of contact for loan fund inquiries
  - c. Refer or deliver loan applications to the Rural Center for processing and underwriting
  - d. Organize and coordinate a local revolving loan fund advisory committee (3-4 members) to provide input and local perspective on the viability of business concepts under consideration
2. The City of Graham will manage the reporting relationship with the NC Department of Commerce and complete all required documentation related to the grant award.

#### **Loan Eligibility and Terms**

The City of Graham and the Rural Center will work collaboratively to define borrower eligibility criteria. Criteria will build upon the Rural Center's eligibility criteria and may include additional geographic requirements and sector/activity-based restrictions. A template for defining eligibility criteria will be provided with the handbook.

The Rural Center will set loan terms, fees and pricing on a case by case basis. Loan term limits will typically range from six to sixty months and pricing will start at 8.0% APR and up based on

risk and market assessments. The loan fund is designed to serve as gap funding or complementary financing for small businesses and is not to compete with banks or other private lenders. Terms and pricing will be set with the goal to avoid competing with banks and provide a sustainable funding option for the business.

### **Payment schedule and fund guidelines**

Within 30 days of execution of this agreement, the City of Graham will make a payment by check or electronic funds transfer to the Rural Center of \$55,000.00 for the following items:

1. \$5,000 one-time, non-refundable consulting fee to cover the Rural Center's cost of implementation, training and fund setup
2. \$50,000 loan principal to capitalize the revolving loan fund

The Rural Center will account for the revolving loan fund as a separate sub-fund within its loan fund management system. All repaid or recovered principal will be retained within the sub-fund with the intention of maintaining an evergreen loan fund available for future loans to small businesses. No expenses will be billed to the fund principal other than loan losses, jointly-approved legal fees and third-party costs to repossess collateral, etc.

Upon disbursement of the initial \$50,000, the Rural Center will make available **up to \$50,000.00** in additional loan principal to the revolving loan fund. Rural Center principal contribution will be treated as priority or "first-out" in the event of an unwinding or cancellation of this agreement.

All fees, interest earnings and other income earned shall be retained by the Rural Center to cover the cost of administering the revolving loan fund. The Rural Center has no obligation to report or account for income or interest earnings.

### **Reporting**

The Rural Center will provide to the City of Graham semi-annual fund reports which summarize the status of loans in the revolving loan fund. The Rural Center will provide additional information on an as-needed basis to assist the City of Graham in meeting its reporting requirements with the NC Department of Commerce. Reporting Schedule:

- July 31<sup>st</sup> submission date for period ending June 30<sup>th</sup>
- January 31<sup>st</sup> submission date for period ending December 31<sup>st</sup>

The Rural Center will provide to the City of Graham summary-level information on each loan funded within 30 days following closing. Summary-level information includes borrower name(s), business name, address, loan amount, current # of employees, and projected increase in # of employees.

### **Duration and Termination of Agreement**

This Agreement shall remain in effect for two years from the date of execution, or until either party terminates the Agreement. Upon termination of this Agreement, this Agreement shall be renewable upon consent of the parties hereto for an additional term upon the terms and conditions herein set forth.

Termination of this Agreement may be initiated by either the Rural Center of the City of Graham with or without any cause or justification, upon (1) one month's written notice. Expiration or initiation of termination of this Agreement will initiate the following steps to unwind the fund:

1. Both parties parties will cease marketing and promoting the fund, and the Rural Center will stop accepting new applications
2. Approved applications or loan commitments will be honored as funding availability permits at the discretion of the Rural Center
3. Submitted loan applications will be processed and funded as funding availability permits at the discretion of the Rural Center
4. The Rural Center will continue to service loans enrolled in the revolving loan fund according to its own lending and fund management procedures
5. The Rural Center may withdraw its principal from the fund as it is repaid or recovered at its discretion
6. Within sixty days after all enrolled loans are paid-in-full or charged-off, the Rural Center will return any funds remaining to the City of Graham by check or electronic funds transfer, resulting in full termination of this Agreement
7. After full termination, the City of Graham forfeits its claim to any funds recovered or collected by the Rural Center from charged-off loans previously enrolled in the revolving loan fund
8. The Rural Center will continue to submit semi-annual reports as long as active loans are enrolled in the revolving loan fund

### **Special Provisions**

**Records.** Except as outlined in the reporting section above, The City of Graham waives any right or expectation of access to any and all data, documents, records and notes of activity relating in any way to this agreement. All applications, underwriting, loan documentation, client records and related files are confidential and not subject to examination by the City of Graham or its representatives.

**Nondiscrimination.** Both parties agree not to discriminate by reason of age, race, religion, color, sex, national origin, or handicap related to the activities of this Agreement.

**Conflict of Interest.** Both parties certify that to the best of their knowledge no employee or officer has any interest that would conflict in any manner with the performance of the Agreement.

Governing Law. This Agreement has been executed in and shall be governed by the laws of the State of North Carolina.

### **Primary Contact Information**

Unless otherwise specified, future communication regarding the revolving loan fund will be directed towards:

City of Graham

Alexa Powell

Planner

PO Drawer 357

201 South Main Street

Graham, NC 27253

(336) 570-6700

[planner@cityofgraham.com](mailto:planner@cityofgraham.com)

Rural Center:

Barry Ryan

Vice President

4021 Cary Dr.

Raleigh, NC 27610

(919) 250-4314

[barry@ncruralcenter.org](mailto:barry@ncruralcenter.org)

IN WITNESSED WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

**City of Graham**

**Rural Economic Development Center, Inc.**

\_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date





## STAFF REPORT

SUBJECT:	REDUCE PINE STREET SPEED LIMIT
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

### REQUESTED ACTION:

Amend the speed limit on Pine Street from Holt to Melville from 35 to 20 MPH.

### BACKGROUND/SUMMARY:

Activity in and around our downtown is poised for an uptick. Motorists in this area are increasingly likely to encounter conflicts as they travel near our downtown. With this realization, City Staff as well as NCDOT have been evaluating this area for safety improvements. The subject segment of Pine Street presents multiple sources of conflict for motorists; including pedestrian crosswalks, intersections with multiple movements, a school, fire department, detention center, post office and future bike lanes.

NCDOT has established a 20mph speed limit for Harden Street from the Oneida Mills to Dollar General. Harden Street runs parallel and has many similarities to Pine Street. In addition, NCDOT is currently evaluating the speed limit for the intersecting block of Highway 87 in front of the Children's Museum and City Hall, with the expectation that they will return a recommendation for a 20 MPH speed limit.

### FISCAL IMPACT:

Nominal. The City would be responsible for the installation and maintenance of the signage on Pine Street.

### STAFF RECOMMENDATION:

Approval. The City Council has traditionally amended traffic regulations in areas where conflict is present. Recent examples include Pepperstone Drive; and Ward, Banks, and West Gilbreath Streets. A reduction in the speeds in this area will allow a greater response time for conflicts, as well as reducing the severity of the crashes in the area.

### SUGGESTED MOTION(S):

I move we amend the speed limit on Pine Street from Holt to Melville from 35 to 20 MPH.

**I make a motion to go into Closed Session to consult with the City Attorney pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (3).**