

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 3, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 3, 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
Alexa Powell, Planner
Jeff Prichard, Police Chief
Duane Flood, Graham Police Lieutenant
Lorrie Andrews, Human Resources Manager
Sophie Mann, Human Resources Intern

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

Human Resources Manager Lorrie Andrews introduced Human Resources Intern Sophie Mann. Ms. Mann stated she is a candidate for graduation from Appalachian State University this May and has enjoyed her time working for the City this semester.

Consent Agenda:

- a. Approval of Minutes – March 5, 2018 Special Session*
- b. Approval of Minutes – March 6, 2018 Regular Session*
- c. Approval of Minutes – March 15, 2018 Special Session*
- d. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
APRIL COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
156161	2017	HOCHREITHER, PHILIP STRATTON	SOLD THE BOAT	5.01
462397	2017	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	32.76
462397	2016	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	51.37
462397	2015	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	44.48
462397	2014	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	41.82
462397	2013	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	34.61
462397	2012	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	32.80

- e. Approve request from Graham Recreation and Parks to close the 100 block of West Elm Street on Saturday, April 14, 2018 from 5:00pm-11:00pm for the rescheduled Grown Up Easter Egg Hunt Event*

- f. Recognize April 21, 2018 as Arbor Day in the City of Graham*
- g. Declare property adjacent to 516 West Elm Street as surplus and authorize disposal via the upset bid method as outlined in NCGS 160A-269 and subject to the conditions as set forth in Section 4 of the Offer to Purchase and Contract submitted by Walt C. Zamora*

Mayor Peterman asked if anyone would like to pull any of the items from the Consent Agenda.

Mayor Pro Tem Lee Kimrey asked to pull item “c”.

Council Member Chip Turner made a motion to approve items “a”, “b”, “d”, “e”, “f” and “g” on the Consent Agenda, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Clerk to correct the list of Council Members attending the March 15, 2018 Special Session meeting. With no further comments, Mayor Pro Tem Kimrey made a motion to approve item “c” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland updated Council on the progress of the Temporary Sales Ordinance staff has been working on. He advised that he had an opportunity to meet with those individuals who had previously expressed some concern with the proposed language. Mr. Holland stated that the primary changes made were the removal of exemption for schools, religious organizations and 501c3 organizations. In addition, a change was made to the number of times per year a vendor may be able to have sales on private property.

Council Members and staff discussed whether vendors would be monitored by the hour or by day and whether or not the reduction in the number of days from 60 to 12 was too extreme. Staff was also asked to speak to City Attorney Keith Whited to inquire as to whether or not the City can regulate food truck appearance.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward to ask if farmers markets would be covered under this ordinance. Staff advised that farmers who grow their own fruit and/or vegetables would be allowed to sell on their own property and would be exempt from this ordinance.

Mr. Don Penny of Suttons at the Wrike encouraged Council Members to consider monitoring by days and not hours.

Council Members challenged staff to look at other municipalities to determine the appropriate number of days vendors can sell on private property.

b. Downtown Revolving Loan Fund Update

City Manager Frankie Maness reminded Council that last fall, Council decided to pursue a Revolving Loan Fund. Staff investigated options and made recommendations for administering this fund. At last month’s meeting, Council voted to take action using a hybrid model with the Alamance Community Foundation (ACF). Mr. Maness advised that staff met with those folks to try and kick off this program and were advised that ACF is not able to service this program at this time.

He stated that we can either proceed with the City administering the fund or choose the previous staff recommendation of the NC Rural Center. City Planner Alexa Powell added that the only remaining option that can meet the timeline laid out by the grant is partnering with the NC Rural Center.

Council Members and staff briefly discussed the challenges encountered with trying to get this loan program underway.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and expressed his belief that the Rural Center's interest rate is too high.

Mayor Pro Tem Kimrey advised that he had made a call to Ms. Melody Adams, director of the Rural Grants/Programs of the North Carolina Department of Commerce. He explained that he informed Ms. Adams of the challenges this Council was having in getting this program started. Mayor Pro Tem Kimrey inquired as to what options may be available and that Ms. Adams advised that it is not too late to go in another direction with this grant. They spoke of a Downtown Small Area Plan and Wayfinding, both of which would be viable options. Council Members were in agreement with proceeding with wayfinding, as long as we receive a guarantee from Ms. Adams that we can proceed in this direction without penalty or fear of not meeting the already agreed upon timeline. Mr. Maness will reach out to Ms. Adams for confirmation that we can proceed with wayfinding.

Mayor Peterman made a motion to fund a wayfinding project downtown with \$50,000 from the state of North Carolina, seconded by Council Member McClure. All voted in favor of the motion. Mayor Peterman advised that if Ms. Adams informs Mr. Maness that we cannot do this, Mayor Peterman will call a special meeting to discuss other options.

c. Second Reading: Amendment to the Code of Ordinances – Temporary Parking Permit

Police Chief Jeff Prichard advised that at last month's Council meeting, concerns were voiced over the proposed fees contained in the Temporary Parking Permit Ordinance. Staff has taken into consideration those concerns and adjusted the proposed fees accordingly.

Council Members and staff discussed limits on multiple permits, time limits and the overall look of the permit.

Mr. Talley stepped forward and stated that he believes that if a contractor purchases a one year permit and their project is completed prior to that one year, the permit should expire when the project is complete and/or receives a certificate of occupancy.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the Ordinance amendment to CHAPTER 20- TRAFFIC AND VEHICLES, ARTICLE V- STANDING, STOPPING AND PARKING of the Code of Ordinances to allow for the issuance of a temporary parking permit and amend the Fee Schedule to establish a fee of \$5.00 dollars per day, \$25.00 dollars per month or \$150 dollars per year, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Requests & Petitions from Citizens:

a. Public Hearing: Petition for Voluntary Contiguous Annexation for property at Swepsonville Road and South Main Street (AN1801)

i. Approve Annexation Ordinance

Mr. Holland explained that the area being considered for annexation is two lots which will be recombined into one on Swepsonville Road. The Annexation petition was filed while there were two lots in this area, but the Corporate Limits Extension Plat recombines the two parcels into one parcel at 1619 Swepsonville Road.

Following a brief discussion between Council Members regarding sewer availability in this area, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for a lot on Swepsonville Road and a lot on South Main Street, seconded by Council Member Turner. All voted in favor of the motion.

<p style="text-align: center;">ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR A PARCEL ON SOUTH MAIN STREET AND A PARCEL ON SWEPSONVILLE ROAD (AN1801)</p> <p>WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on April 3, 2018, after due notice by publication on March 22, 2018; and</p> <p>WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;</p> <p>NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:</p> <p>Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of April 3, 2018:</p> <p>ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:</p> <p>Beginning at a point in the eastern right of way of South Main St. (N.C.Hwy.87), the corner of the existing City of Graham Corporate Limits as referenced in the plat recorded as Final Plat Corporate Limits Extension, City of Graham, Plat Book 63 Page 37, and a corner with Frankie C. Thomas; Running thence with the City of Graham Corporate Limits and the southern line of Frankie C. Thomas and Onslow O. Thompson and Roy Michael Thompson, N 64°26'18"E, 373.95' to a point in the western right of way of Swepsonville Road (S.R.2116), a corner of the existing City of Graham Corporate Limits; Running thence in the western right of way of Swepsonville Road, S35°13'06"E, 53.99' to a point; continuing in the western right of way of Swepsonville Road in a curve to the right having a radius of 2848.93', a chord bearing and distance of S35°24'58"E, 46.44', a corner with Onslow O. Thompson III and Roy Michael Thompson; running thence with the northern line of Onslow O. Thompson and Roy Michael Thompson and the northern line of Kelly Baldwin, S64°31'54"W, 422.00' to a point in the eastern right of way of South Main St (N.C. Hwy. 87); thence with the eastern right of way of South Main St. (N.C. Hwy. 87) N08°01'58"W, 103.08' to the point and place of beginning containing 0.90 acres+- (0.0014 square miles) as shown on the survey, Final Plat, Recombination for Mary Eleanor Thompson and Corporate Limits Extension City of Graham dated 6/8/16.</p> <p>Section 2. Upon and after April 3, 2018, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.</p> <p>Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.</p> <p>Adopted this, the 3rd day of April, 2018.</p>

b. Request from Audrey Garton for permission to hold a Community Art Weekend in Downtown Graham on May 19, 2018 and May 20, 2018

Ms. Audrey Garton of 1060 Watercourse Circle Graham stepped forward and introduced herself as the founder of Independent Artist Movement. She asked Council for permission to host a Community Art Weekend in Downtown Graham on May 19, 2018 and May 20, 2018.

Ms. Chelsea Dickey of 200 North Main Street Graham advised Council that the event is not requesting the closure of any streets, but did request they be able to set up at 8:00 a.m. on May 19, 2018 with the event running from 12:00 p.m.-6:00 p.m. on May 19, 2018 and 12:00 p.m.-3:00 p.m. on May 20, 2018. She added that there would be artists, buskers, moveable mural projects and food trucks situated around the downtown area. She provided Council with a map of the area which depicted vendors set up downtown and around Court Square.

Council Members asked Ms. Dickey and Ms. Garton about the number of parking spots being blocked off, activity on sidewalks, if County permission had been granted and liability insurance.

Lieutenant Duane Flood of the Graham Police Department stepped forward and expressed his department's concern with the May 20, 2018 date requested. He advised that in recent years, May 20th has been the date in which his department has received a demonstration permit request from a group who holds a "Confederate Memorial Day" around the Alamance County Court House located in Court Square. At last year's demonstration, counter protesters showed up and things escalated to the point in which there were arrests made. Lieutenant Flood stated he is concerned for safety should there be multiple groups located in the same area with no roads being closed. As to date, his department had not seen a request for any demonstration permits in the Court Square area.

Council Members and staff discussed the demands this event, if approved, and a demonstration permit, if requested, would put on the Police Department. Mayor Pro Tem Kimrey stated that he does not like when bad behavior changes the way that Council looks at good events, while Council Member Wiggins asked if the Police Department would plan on having additional staff that weekend with or without a demonstration permit being issued. Lieutenant Flood stated his department would monitor the events leading up to this weekend and plan accordingly.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and encouraged Council to not approve this request for May 20th. She stated that she has no problem with it being held on May 19th, but is concerned for public safety should the same group as last year be granted a permit to demonstrate around the Court House. She also encouraged Council to require Ms. Garton and Ms. Dickey to provide liability insurance.

Chief of Police Jeff Prichard repeated Lieutenant Flood's statement by saying his department has not received any type of request from any other group for this same weekend. He said he has some discretion to deny any permit request.

Mr. Talley asked Chief Prichard how many demonstration permits were issued for last year's demonstration. Chief Prichard stated one.

Council Members asked Ms. Garton and Ms. Dickey if they had considered having their event take place only on May 19th. Ms. Garton stated that this is something that could possibly happen, but not something they want to consider at this time.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to allow the event as requested with the addition of liability insurance listing the City as a rider, seconded by Council Member McClure. All voted in favor of the motion.

c. Request from Chelsea Dickey for an Infrastructure Investment Matching Grant specific to Downtown Graham

Ms. Dickey presented Council with an overview of an Infrastructure Investment Matching Grant program she would like to see the City create. She stated that through her work at the Co/Operative, she is asked by business owners about incentive programs in the downtown area. The outline provided to Council is one that is modeled after a program in Fuquay-Varina, NC.

Council Members discussed the proposed minimum investment of \$250,000 by the City and wondered if restructuring the fee schedule or waiving some fees for downtown businesses might be a more viable option.

Mr. Boney expressed concern with this request. He stated he found it ethically questionable for an organization, the Co/Operative, to bring forth a request in which they can financially benefit.

Mr. Jason Cox of 200 North Main Street stepped forward and advised that the Co/Operative is a 501c3 organization and no one individual can own a 501c3.

With no further discussion, Mayor Peterman asked for consensus from Council to have staff look into this request to determine whether this would be a viable option for the City of Graham. Consensus was given.

Issues Not on Tonight's Agenda:

Mr. Holland advised that those signed up for a training class on April 10, 2018 in Kernersville that transportation will be leaving City Hall at 12:00 p.m.

Ms. Talley asked that downtown Wi-Fi be included in this year's budget.

Mayor Peterman announced that this Friday and Saturday, there will be free barbeque at Builders Discount in Graham.

Ms. Talley announced that April 13, 2018 is customer appreciation day at Colonial Hardware and everyone is invited to stop by and enjoy free barbeque.

At 9:32 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk