

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MAY 1, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 1, 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
Keith Whited, City Attorney
Nathan Page, Planning Director
Jeff Prichard, Police Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Griffin McClure gave the invocation. Eli Rachlin, 8th grade student at A.L. Stanback Middle School, played the Star Spangled Banner on trumpet.

Preliminary Water and Wastewater System Development Fee Analysis:

Mr. Glynn Fleming of the City's engineering firm Alley, Williams, Carmen & King (AWCK), presented Council with a preliminary draft of the City's written System Development Fee Analysis which was prepared in accordance with, and satisfies the requirements of, North Carolina House Bill 436 (HB-436). Mr. Fleming highlighted the Impact Fee, Equivalent Residential Unit, System Buy-In Method, System Buy-In Fee and Maximum System Development Fees as part of his presentation. Mr. Fleming, Council Members and staff briefly discussed the proposed fees and how they line up with current fees. City Manager Frankie Maness advised that our current fee for water is too high while our fee for sewer is too low. Mr. Maness added that Council will have to take action and repeal the old fees and adopt new fees, even if they differ from what AWCK has proposed.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and asked about minimum fee amounts. Mr. Maness stated that the City is not required to charge any fees and while the fees proposed by AWCK are the maximum allowed, Council has the ability to set lower fees if they so choose. With no further discussion, Mayor Peterman advised that we will set a Public Hearing and vote on this at the June 5, 2018 meeting.

Consent Agenda:

- a. Approval of Minutes – April 3, 2018 Regular Session*
- b. Tax Releases & Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

MAY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
146012	2008	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	16.89
146012	2009	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	16.20
146012	2010	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	13.80

**CITY OF GRAHAM
REFUNDS**

MAY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
639005	2017	LACY MICHAEL LITTLES	QUALIFIED DISABLED VETERANS EXEMPT	204.75
655393	2016	ELLA S SHOFFNER REVOC L/E	PREVIOUSLY QUALIFIED FOR SCE, BUT CODE HAD BEEN REMOVED IN ERROR	486.05
655393	2017	ELLA S SHOFFNER REVOC L/E	PREVIOUSLY QUALIFIED FOR SCE, BUT CODE HAD BEEN REMOVED IN ERROR	511.97

- c. Request from the Recreation and Parks Department to close the 100 block of East Elm Street and the 100 block of West Elm Street from 12:00 p.m.-10:00 p.m. on June 23, 2018 for the 2018 Slice of Summer Festival*
- d. Request from the Recreation and Parks Department to close the 100 block of East Elm Street from 12:00 a.m.-11:00 p.m. and the 100 block of West Elm Street from 5:00 p.m.-11:00 p.m. on October 26, 2018 (Rain Date October 27, 2018) for the Downtown Pumpkin Bash*
- e. Appoint Jerry Cummings to the Graham Historical Museum Advisory Board. Term to expire June 30, 2021*
- f. Appoint Carla Smith to the Graham Historic Resources Commission. Term to expire June 30, 2020*
- g. Request from Alamance County Manager Bryan Hagood to block off the north and south side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building from 9:30 a.m.-1:00 p.m. on May 28, 2018 for the Annual Memorial Day Ceremony*
- h. Approve Audit Contract with Stout Stuart McGowen & King, LLP*

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 "h".

Council Member McClure made a motion to approve items "a", "b", "c", "d", "e", "f" and "g" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Manager Frankie Maness if the agreement in place with Cobb, Ezekiel, Loy & Company and Stuart Stout McGowen & King is still working.

Mr. Maness advised that the process in place continues to work well for the City. With no further comments, Mayor Pro Tem Kimrey made a motion to approve item “h” on the Consent Agenda, seconded by Council Member Melody 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 stated that tonight’s proposal reflects changes made since last month’s meeting. He advised that based on meetings with individuals since last month, some language has been revised.

Following Mayor Peterman statement that Council will not vote on this until the June 5, 2018, Council Members and staff discussed the proposal. Council Members and staff briefly discussed food truck aesthetics, permit length, food trucks in our parks, liability insurance and the overall definition of Temporary Outdoor Sales. Mr. Holland advised that Temporary Outdoor Sales encompasses a lot more than just food trucks.

Mr. Joshua Readling of 805 South Main Street Graham stepped forward and informed Council that he and his wife are looking to open a farmers market on the vacant lot located at 805 South Main Street. He explained that his business is open for approximately 8-9 months per year and expressed concern with the proposed 20 days per year included in the Temporary Outdoor Sales Ordinance. He stated that he along with his engineer, Mr. Chad Huffines, have been working with City staff to try and figure out a way to allow him to locate his business on this lot.

Mr. Huffines of 505 East Davis Street Burlington stepped forward to address Council on Mr. Readling’s behalf. He advised that he is the civil engineer on this project and spoke of his client’s difficulty in meeting the current Highway 87 Overlay requirements. Mr. Huffines asked Council to consider changing our ordinance(s) to allow his client to operate his business at this location. Mayor Peterman advised that this Council does not take action on any item not on tonight’s agenda and the earliest they would entertain a recommendation to change any ordinance at the minimum would be at next month’s meeting.

Mr. Barry Coe of 214 North Marshall Street Graham stepped forward and expressed concern with the City wanting to restrict the number of days food trucks can operate. He further stated that he is not sure what the public interest is with this ordinance and is not sure why Council would care about permanent versus temporary. Mayor Peterman stated that Council is trying to allow for temporary sales.

Mr. Nathan Boyd of Payne Oil Company, 962 East Elm Street Graham stepped forward as the owner of the property Mr. Readling wishes to use for his business. He stated that he thinks Mr. Readling’s business would be an asset to Graham. He encouraged Council to find a way to allow Mr. Readling a way to operate his business at this location.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and stated that she thought Assistant City Manager Aaron Holland had stated that farmers markets would be exempt under this ordinance. Mr. Holland stated that only as an accessory use would that be the case.

By consensus, Council Members directed staff to look into the current ordinances and see if we can find a solution before next month's meeting.

b. Downtown Infrastructure Grant

Mr. Maness explained that at last month's Council meeting, the City received a proposal for a Downtown Infrastructure Matching Grant. After doing some research, Mr. Maness outlined the various programs currently offered to Downtown businesses. He stated that while we cannot at this time fund such a request on a recurring basis, he would not want Council to dismiss this proposal and recommends further analysis and investigation into the proposed program.

Following a brief discussion between Council Members and staff, consensus was given to have staff look further into this.

Requests & Petitions from Citizens:

a. Public Hearing: New Street Duplex (SUP1801). Application by Mohammad Bhatti for a new duplex at 708 ½ New Street, GPIN 8884076833

Mr. Page advised that this quasi-judicial request had been tabled by the Planning Board and recommended that Council follow suit. He further added that we would not be required to re-advertise this Public Hearing if Mayor Peterman were to open the Hearing, receive input from those who wish to speak and then continue the Hearing to next month's Council meeting.

Mayor Peterman polled the Council to see if anyone has had any ex parte communication. Mayor Pro Tem Kimrey stated he has received a question from a family member who lives near the subject property. Mayor Pro Tem Kimrey stated that he was asked to explain what a quasi-judicial hearing was and what could be expected at a quasi-judicial hearing. By consensus, Council Members did not feel as if Mayor Pro Tem Kimrey should recuse himself from these proceedings.

Mayor Peterman opened the Public Hearing. Council Member Turner made a motion to continue this hearing until next month, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

b. Public Hearing: Melville Street Duplex (SUP1802). Application from Tanya Dunbar-Stone for construction of a new duplex at 306 and 308 South Melville Street, GPIN 8884227612

Mr. Page advised that this request had been withdrawn by the applicant on April 11, 2018, after the Public Hearing notice had been published. He recommended Council accept the withdrawal.

Council Member Wiggins made a motion to accept the withdrawal, seconded by Council Member Turner. All voted in favor of the motion.

Dr. William Harrison, Alamance Burlington School System

Dr. William Harrison of the Alamance Burlington School System spoke about the vision and upcoming plans for the school system. He spoke of the bond referendum that Alamance County taxpayers will vote on in the upcoming election and asked Council to endorse the school projects and talk positively about them.

Council Members and Dr. Harrison briefly discussed the school board's plans for Graham High School and the new high school included in the proposal.

Burlington-Graham Urban Area Metropolitan Planning Organization Funding Request:

Mr. Page explained that Burlington-Graham Metropolitan Planning Organization (BGMPO) has received the preliminary scores for the Statewide Mobility Projects, including aviation, bicycle, pedestrian, and automobile projects. Under the current regulations, the State of North Carolina pays the match for aviation and automobile projects and requires the local jurisdictions to provide a 20% match for bicycle and pedestrian projects. Mr. Page added that the remaining funds are from the Federal Transportation allocation. He outlined the four projects, in order of priority as identified by NCDOT:

1. **South Main Street from Gilbreath St to Ivey Road**
 - a. **Estimated cost for Graham is \$108,000**
2. **West Elm Street/ Webb Avenue from Highway 54 to Williamston Street (10% Graham, 10% Burlington)**
 - a. **Estimated cost for Graham is \$18,100**
3. **East Harden Street from Pine Street to Ivey Road**
 - a. **Estimated cost for Graham is \$46,400**
4. **East Elm Street from Albright Avenue to Parker Street**
 - a. **Estimated cost for Graham is \$40,000**

Following a brief discussion between Council Members and staff by which it was agreed upon that Graham is fortunate to have this many projects receive high scores, Council Member Wiggins made a motion to approve the Resolution Authorizing a Funding Match for New Pedestrian Projects in Conjunction with NCDOT, seconded by Council Member Turner.

RESOLUTION AUTHORIZING A FUNDING MATCH FOR NEW PEDESTRIAN PROJECTS IN CONJUNCTION WITH NCDOT

WHEREAS, The North Carolina Department of Transportation ("NCDOT") requires a local funding match for all bicycle and pedestrian projects; and

WHEREAS, the City has determined improving pedestrian safety and access is a necessity; and

WHEREAS, the City has requested pedestrian sidewalks on NC 87, NC 54, and NC 49; and

WHEREAS, the SPOT office of NCDOT has scored these projects as possible for construction before 2029;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM that:

Section 1. City of Graham will provide a 20% local match for the aforementioned Projects, because it will enhance the safety of the traveling public.

Section 2. The City of Graham City Council shall herein empower the City Manager to enter into a Municipal Agreement with NCDOT.

Section 3. This resolution shall be effective upon passage.

This the 1 day of May, 2018.

Issues Not on Tonight's Agenda:

Mr. Huffines asked Council to give staff direction on sidewalks along South Main Street and Auto Park Drive. Mayor Peterman stated he is hopeful to have an answer next month.

Ms. Talley asked Council to amend the overlay district, expressing concern over the recent demolition of the Scott-Mebane building on West Harden Street. Council Member Wiggins advised that the Historic Resources Commission is currently looking into identifying the Historic Overlay District.

Mayor Peterman asked Ms. Audrey Garton and Ms. Chelsea Dickey for an update on the upcoming Arts Festival in Downtown Graham later this month. Ms. Garton stated that she has already received approximately 2,000 RSVPs via Facebook and has several vendors lined up. Ms. Dickey advised that NCDOT approved the closure of Main Street between Pine Street and Harden Street for this event. Police Chief Jeff Prichard stated that he is still speaking to Ms. Dickey about the logistics of the event and he will determine how much of Main Street will have to be closed. Mr. Tom Boney of the Alamance News stepped forward and expressed concern that there was no notification of street closures prior to tonight's meeting.

Mayor Pro Tem Kimrey advised that he had recently been asked about public restrooms in the Downtown area.

Mr. Maness handed out the Fiscal Year 2018-2019 recommended budget for Council Members to review. It was decided that City Clerk Darcy Sperry would send out a Doodle Poll to see what date(s) might work best for the budget workshop.

At 9:25 p.m. Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk