

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 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, July 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:

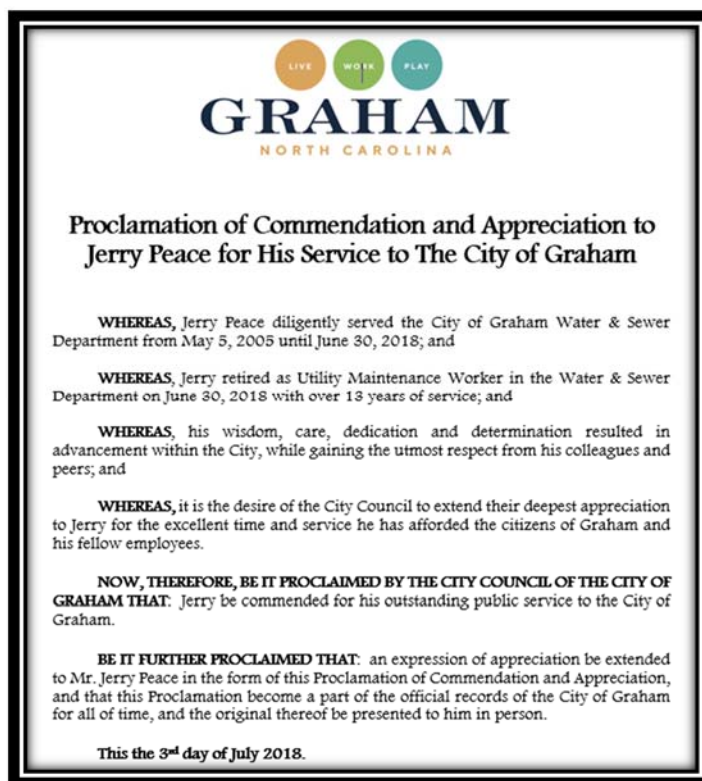
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director

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

Consent Agenda:

- *Jerry Peace – Proclamation of Commendation and Appreciation for 13 years of service to the City of Graham*

Mayor Peterman and City Manager Frankie Maness presented Mr. Jerry Peace with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Both gentlemen thanked Mr. Peace for his service to the City and in return, Mr. Peace thanked the City.



Consent Agenda:

- a. Approval of Minutes – June 5, 2018 Regular Session*
- b. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JULY COUNCIL MEETING				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA COMMON AREA EXEMPT	16.25

Council Member Turner made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Old Business:

- a. Second Reading: Temporary Outdoor Sales Ordinance*

Assistant City Manager Aaron Holland explained that at last month's meeting, Council voted 3-2 for approval of this ordinance. The motion was insufficient for first reading to become law and tonight is the second reading. He further advised that the motion approved last month needs some clarification, specifically the permit fee amount and the distance requirement. He presented Council with staff recommended changes.

Council Members and staff discussed distance requirements and permit fees before Mayor Peterman opened the discussion to the floor.

The following individuals expressed concern and/or had questions with language being proposed:

Mr. Don Penny, 114 N. Main Street Graham
 Mr. Chuck Talley, 808 Sideview Street Graham
 Mr. Paul Harden, 16 NE Court Square Graham
 Mr. Richard Shevlin, 510 Wildwood Lane Graham
 Mr. Tom Boney of the Alamance News

The following individuals spoke in favor of the language being proposed:

Ms. Janee Farrar, 141 E. Harden Street Graham
 Ms. Jan Searls, 526 E. Pine Street Graham
 Ms. Elaine Murrin, 1213 Raspberry Run Graham
 Mr. Eric Crissman, 208 Albright Avenue Graham

Council Members and staff continued a general discussion before Council Member Griffin McClure made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with an annual permit fee of \$25 and a distance requirement of 50 ft. from the structure of a similar establishment with exemption for the property owner. Mayor Pro Tem Lee Kimrey seconded the motion. Ayes: Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Due to new language in this motion, this motion will act as a first reading and is insufficient for first reading to become law. The second reading for this motion is scheduled for August 7, 2018.

b. Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances

Planning Director Nathan Page advised that this item was continued at last month's meeting and he once again recommended Council table this item until there is a regulation in the Code of Ordinances. Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Council Member McClure made a motion to continue this item, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

c. Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts

Mr. Page explained that in light of the comments received at last month's Council meeting, staff amended the proposed language, specifically section 10.441 and 10.466 (h).

Council Members briefly discussed the proposed change and whether or not vinyl coated fencing should be allowed. Mayor Peterman opened the Public Hearing.

Mr. Jim Fletcher of Highway 87 Graham asked about temporary fencing used in construction, while Mr. Jordan Conklin of 626 Johnson Avenue asked about distance requirements.

Mr. Crissman stepped forward on behalf of the Planning Board. He advised that the Planning Board's intent with this ordinance was not to dictate an architecturally like fence, but rather not to allow a chicken wire type of fence. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion to approve the text amendment with the alternative language: (h) fencing shall not be temporary nor constructed of exposed wire unless not visible from the right of way of Highway 87 or an abutting street. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

d. Downtown Development Coordinator Position

Mr. Maness reminded Council that the City received a contract proposal from the Co|Operative to provide economic development services through funding of a Director of Community Development position. He presented Council with five options with a staff recommendation to create a regular City position for economic development.

Council Members and staff discussed supervision, salary, benefit of in-house versus contract, potential office location and the fiscal impact to the City before Mayor Peterman opened the discussion to the floor.

The following individuals expressed concern with Council approving this request:

Mr. Larry Brooks, 1509 Stonegate Drive Graham
 Mr. Harden
 Mr. Boney
 Mr. Talley
 Ms. Jennifer Talley, 808 Sideview Street Graham

In response to the concern of some that Council Members who own property or own business in the downtown area have or may have a conflict in the future should Council approve this request, Mr. Crissman stepped forward and stated that technically, there is nothing Council could vote on that would not have a financial impact in the downtown area.

Ms. Farrar encouraged Council to approve a contract with the Co|Operative. Mr. Jason Cox of 200 North Main Street and president of the Co|Operative also encouraged Council to approve a contract with his organization.

Council Members and staff spent a great deal of time weighing the concerns citizens expressed and the needs of the City. Following this discussion, Mayor Pro Tem Kimrey made a motion to authorize the City Manager to establish a position of Downtown Development Coordinator, seconded by Council Member Wiggins. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Council Member McClure. Nays: Mayor Peterman and Council Member Turner. Motion Carried 3:2.

Recommendation from Planning Board:

- a. ***Public Hearing: Duplex in High Density (AM1804). Request by Kristen Foust to amend the City of Graham Development Ordinance, Section 10.135 - Table of Permitted Uses, to permit duplex dwellings as use by right in R-7 zoning district***

Mr. Page explained the request and advised that the applicant has requested that to postpone this item due to the applicants not being able to attend this meeting.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, Council Member McClure made a motion to continue this item until next month. Council Member Wiggins seconded the motion and all voted in favor of the motion.

- b. ***Public Hearing: ABC Business (RZ1803). Request by Larry Brooks to rezone property located at 603 W. Harden Street from I-1 to B-2 (GPIN 8874846840)***

Mr. Page explained that this property is surrounded by commercial properties but does have access to the residential street of Graham Drive via a driveway.

This request is to rezone the whole property to B-2, to allow the current structure to come into conformity with the Development Ordinance, as well as to potentially allow for a future expansion with the zero-foot lot line requirements within B-2. The use of the property is not anticipated to change.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

Mr. Brooks, Executive Director for the ABC Store, advised that this request is to bring the property into compliance. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: Rezoning the site will permit the property to come into conformance with the zoning code and will allow more flexibility for future expansion. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City Manager and City Attorney

Mayor Peterman explained that Council would be going into closed session to review the performance of the City Manager and City Attorney.

At 9:23 p.m., Council Member Wiggins made a motion to go into Closed Session to Consider the Performance of the City Manager and City Attorney Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6), seconded by Council Member Turner. All voted in favor of the motion.

At 9:55 p.m., Council Members returned from Closed Session and Mayor Peterman reconvened the Regular Session meeting.

Mayor Peterman read a prepared statement for City Attorney Keith Whited – “We have been blessed this past year with the addition of Mr. Whited as our staff attorney. His skill and technical abilities make our jobs much easier and keep us out of trouble. We would like to raise Mr. Whited’s salary by 3% effective July 1, 2018.”

Mayor Peterman read a prepared statement for Mr. Maness – “The City of Graham has benefited immensely from the skill, work ethic and diligence of our City Manager. We as a Council thank you for all you do for us and the citizens of Graham. We would like to raise the Manager’s salary by 3.1% effective July1, 2018.”

Issues Not on Tonight’s Agenda:

Ms. Talley stepped forward and asked that Council support an upcoming DockDogs event. A formal request will be presented at the August 7, 2018 Council meeting.

Mr. Whited advised that he will be on vacation next week.

Mr. Maness thanked Council for their support and looks forward to the years to come working for the City.

Council Member Wiggins advised that the Graham Historic Resources Commission will be presenting a full report of their actions to Council in August.

Council Member Wiggins also spoke of the renovations the Graham Historical Museum Advisory Board has actively been doing at the museum. She advised that there will be a work session at the museum on Monday, July 9th at 10:00 a.m. and invited anyone who wishes to volunteer to join them. Council Member Wiggins also stated that there are still two vacancies on this board.

Council Member McClure recognized an employee from the City's engineering firm Alley, Williams, Carmen & King for the kind act he bestowed on a Graham resident. The resident was told that they had to remove a portion of fence that was not on their property by the end of the day. The resident advised that she was not physically able to meet that requirement. The AWCK employee returned to the property after work hours and removed it for the resident himself by hand.

Mayor Pro Tem Kimrey asked staff where we stand on the bike lanes along Pine Street. Mr. Maness and Mr. Holland advised that we are close to getting these started and they anticipate that work will begin within the next couple of weeks.

At 10:02 p.m. Council Member Turner made a motion to adjourn, seconded by Mayor Peterman. All voted in favor of the motion.

Darcy Sperry, City Clerk