

**CITY OF GRAHAM
SPECIAL SESSION
TUESDAY, JANUARY 8, 2019
7:00 P.M.**

The City Council of the City of Graham met in special session at 7:00 p.m. on Tuesday, January 8, 2019, 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
Mary Faucette, Downtown Development Coordinator
Alexa Powell, City Planner

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

Consent Agenda:

- a. *Approval of Minutes – December 4, 2018 Regular Session*
- b. *Approval of Minutes – December 12, 2018 Special Session*
- c. *Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
JANUARY COUNCIL MEETING				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
670920	2018	FORKS OF ALAMANCE HOMEOWNERS	COMMON AREA - ALLOCATED TO HOMEOWNERS	693.88
600535	2011	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	30.11
600535	2012	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	\$28.07
614337	2018	DEAN, JOEL ALAN	NO LONGER IN THE CITY LIMITS	\$58.73
665817	2018	LIDL US OPERATIONS LLC	BUSINESS PERSONAL PROPERTY CODED WRONG & SOME EQUIPMENT EXEMPT	\$4,514.53

CITY OF GRAHAM REFUNDS				
JANUARY COUNCIL MEETING				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
622323	2018	L & E ENTERPRISES I LLLP	COMMON AREA	8.87

d. Appoint Nicki Grafos Smith to the Historical Museum Advisory Board with a term to expire June 30, 2021

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

Downtown Small Area Plan:

a. Approve Contract with Toole Design Group

Planning Director Nathan Page reminded Council that in their 2018/2019 budget year, Council funded their match portion of a Small Area Plan. While Graham allocated \$50,000, the Burlington Graham Metropolitan Planning Organization and the North Carolina Department of Transportation also submitted \$50,000 each to this plan bringing the total budget to \$150,000. He added that in September, the City released a Request for Qualifications to the NCPLAN listserv, as well as posting it on the City's website. Out of a total of 11 responses, staff narrowed the pool to three interviewees. Subsequent to the interviews, staff recommended Toole Design Group as the preferred design firm. Mr. Page provided Council with a revised contract and asked that they consider authorizing the City Manager to enter into an agreement with Toole Design Group when making a motion.

Council Members and staff briefly spoke about the decision that went into choosing this group, the timeframe by which this plan will be completed, this group's availability of staff and amending the contract to include the Graham Area Business Association as a stakeholder. Toole has proposed that the plan will be completed by August 2019 or they will forfeit money.

With no further discussion, Mayor Pro Tem Lee Kimrey made a motion to approve the contract with Toole Design Group for our Downtown Small Area Plan and adopt the amended language presented tonight and include the Graham Area Business Association as stakeholders, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Main Street Program Discussion:

Downtown Development Coordinator Mary Faucette provided Council with an extensive background summary of how the NC Main Street program works. She advised that her presentation was a collaborative project between herself and City Planner Alexa Powell. Mrs. Faucette's presentation touched upon the program's approach of distinguishing every community and commercial district as different. The Main Street approach offers community based revitalization, initiatives for the practical adaptable framework for downtown transformation and is easily tailored to local conditions. Mrs. Faucette asked for Council's approval to continue researching the Downtown Associate Community program and their willingness to commit a minimum of \$5,000 annually for up to three years as required by the program's application.

Council Members inquired about the June 2019 application deadline, the annual financial commitment by the City, what data would be included in the application and the creation of the required advisory board should the City be selected for this program.

With no further questions forthcoming, Council Member Wiggins made a motion to direct City staff to continue research into the Downtown Associate Community program and collect data to support a future application, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Public Private Partnership (P3):

a. Approve Resolution Adopting Statement of Critical Need to Enter into A Public-Private Partnership to Develop a Spec Building On City-Owned Property in The City of Graham, North Carolina

Ms. Powell explained that her presentation was to discuss developing an industrial spec building on a piece of City owned property located on East Interstate Service Road. The City acquired the 5.5 acre parcel of land in 2009. She added that the City has approximately \$335,000 invested in the property and the property has been on the market for nine years. Ms. Powell stated that in order to realize the full value of the property, the City of Graham may wish to consider developing such a building on the site through a Public Private Partnership (P3). Developing an industrial building on this property is a proactive approach with the potential to deliver long-term financial, strategic and economic community benefits in line with the goals of The Graham 2035 Comprehensive Plan. Ms. Powell reviewed the necessary steps to enter into a P3 and advised Council of the potential benefits and concerns of such an arrangement.

Following a general discussion between Council Members and staff regarding this avenue, Mayor Peterman asked if anyone from the audience would like to speak on this matter.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward and inquired about the property's current zoning, the City's financial contribution, timeframe in which a partnership may take place and whether or not the old Cannon Mill on Parker Street would be a viable building to try and lure a business into Graham.

Mrs. Jennifer Talley of 808 Sideview Street Graham and Mr. Richard Hurlocker of 1724 Petty Road Graham stepped forward to advise Council that Mr. Hurlocker would like the opportunity to make the City an offer to purchase the property. Mrs. Talley asked Council to table this agenda item until next month to allow time for Mr. Hurlocker to make an offer. City Manager Frankie Maness outlined the required receipt of a written offer, bid bond of 5% and the advertisement of an upset bid should the City receive an offer and wish to pursue the sale of the property.

By consensus, Council Members agreed and Mayor Pro Tem Kimrey made a motion to table this matter until next month. Council Member Turner seconded the motion and all voted in the favor of the motion.

Order to Demolish:

a. Approve Ordinance to Demolish vacant house located at 323 Albright Avenue

Assistant City Manager Aaron Holland advised that staff is seeking authorization to proceed with the demolition of a vacant house located at 323 Albright Avenue. According to Alamance County tax records, the property is owned by James K. & Annie S. Jernigan, c/o Kay Hall and the structure is approximately 1680 square feet.

He further advised that the property owner was originally contacted by mail by the Inspections and Zoning Department on October 25, 2017 based on a complaint of a dilapidated house on the property. Staff maintained communication with the property owner over the next several months to monitor the status of the abatement. Mr. Holland stated that after further deterioration and a lack of progress, the property owner was given a timeframe to have the structure demolished. After several attempts to remedy the complaint were unsuccessful, it was determined by the Chief Building Inspector that an Order to Demolish be issued. The lowest demolition bid the City received was \$7,000 and staff recommends approval.

Council Members and staff briefly discussed the procedure by which the City would be reimbursed for the costs incurred with demolition. A lien will be placed on the property in hopes that the City would be reimbursed at the time the property should be sold or foreclosed on.

Council Member McClure made a motion to approve the Ordinance authorizing City staff to proceed with the demolition of the vacant structure located at 323 Albright Avenue, seconded by Council Member Turner. All voted in favor of the motion.

AN ORDINANCE REQUIRING DEMOLITION OF A CERTAIN DWELLING OWNED BY JAMES K & ANNIE S JERNIGAN, C/O KAY HALL, AND PERSONS WITH INTEREST IN THE DWELLING LOCATED AT 323 ALBRIGHT AVE, GPIN 8884352683, GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

BE IT ORDAINED by the Governing Body of the City of Graham, Alamance County, North Carolina as follows:

Pursuant to North Carolina General Statute 160A-441 et. seq. and the General Ordinances of the City of Graham, Alamance County, North Carolina, Chapter 3 Division 1 et. seq., the Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, as authorized by the Governing Body of the City of Graham, Alamance County, North Carolina, has determined that a certain dwelling owned by James K. & Annie S. Jernigan, C/O Kay Hall and persons with interest in the dwelling located at 323 Albright Avenue in the City of Graham, does not meet the minimum housing code of the State of North Carolina and the City of Graham, North Carolina, and, therefore, said dwelling, pursuant to the laws of the State of North Carolina and the General Ordinances of the City of Graham, North Carolina, should be demolished. That dwelling is described as the dwelling located at 323 Albright Avenue in the City of Graham, and further described and identified as that dwelling located on Parcel ID 146518 and GPIN 8884352683, in the records Alamance County Tax Office.

The findings of the Chief Code Enforcement Officer, James L. Lloyd, duly authorized Building Inspector for the City of Graham, Alamance County, North Carolina, herein referred to as the "Public Officer" and other related correspondence regarding disposition of this dwelling is attached hereto as Exhibits "A through N", and incorporated herein by reference.

NOW, THEREFORE, inasmuch as James L. Lloyd, duly authorized Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, has determined that the dwelling in question is unfit for human habitation, the "Public Officer" is hereby authorized by the City Council of the City of Graham, Alamance County, North Carolina to proceed by causing said dwelling to be demolished and removed from the premises.

IT IS FURTHER ORDERED, that a copy of the Ordinance be recorded in the Office of the Register of Deeds of Alamance County, North Carolina and be indexed in the name of James K. & Annie S. Jernigan, C/O Kay Hall, in the grantor index.

IT IS FURTHER ORDERED that the amount of the cost of demolition and removal of the dwelling by the "Public Officer" shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as a lien for special assessments as provided in Article 10 of North Carolina General Statute 160A.

This the 8th day of January, 2019.

Review City Attorney Proposals:

Mayor Peterman asked Council Members what they thought of the proposals received and how they wish to proceed with hiring a new City Attorney. Mayor Pro Tem Kimrey suggested that a paper ballot be used to narrow down the list of potential candidates. Council Member Wiggins suggested the Council go into closed session to discuss the candidates and the hiring process. Council Member McClure stated he would have no problem going into closed session. Mayor Pro Tem Kimrey and Mayor Peterman both expressed concern with going into closed session without public notice being given. They and Council Member Turner expressed their desire to narrow down the list of candidates via paper ballot. City Attorney Keith Whited advised that the Council by law, has the right to choose to go into closed session to discuss a public official.

Mr. Boney stepped forward to oppose Mr. Whited's advice given to Council.

Council Members decided to proceed with paper ballot and list the 4 candidates they wish to interview. The ballots were given to City Clerk Darcy Sperry for tabulation. Ms. Sperry gave Mayor Peterman a list of the top four and he read the list aloud. The results were as follows:

- Ms. Amelia Knauff was on 5 ballots
- Mr. Tom Carruthers was on 4 ballots
- Mr. Robert Giles was on 4 ballots
- Mr. Robert Ward & law partner Mr. Bryan Coleman were on 3 ballots

Mayor Peterman asked Mr. Maness to notify those who did not make the list and he asked Ms. Sperry to coordinate interview dates and times with the Council and candidates.

Issues Not on Tonight's Agenda:

Mr. Richard Shevlin of 510 Wildwood Lane Graham and Mrs. Talley both expressed concern with the City's sign ordinance. Mayor Peterman asked staff to look into the concerns and the possibility of changing what we currently have in place.

Mrs. Faucette informed Council of the \$6,500 grant the City recently received through Impact Alamance.

Mayor Peterman publicly thanked Mrs. Faucette for the great work done with the City's social media accounts.

At 8:38 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk