

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 5, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 5, 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:

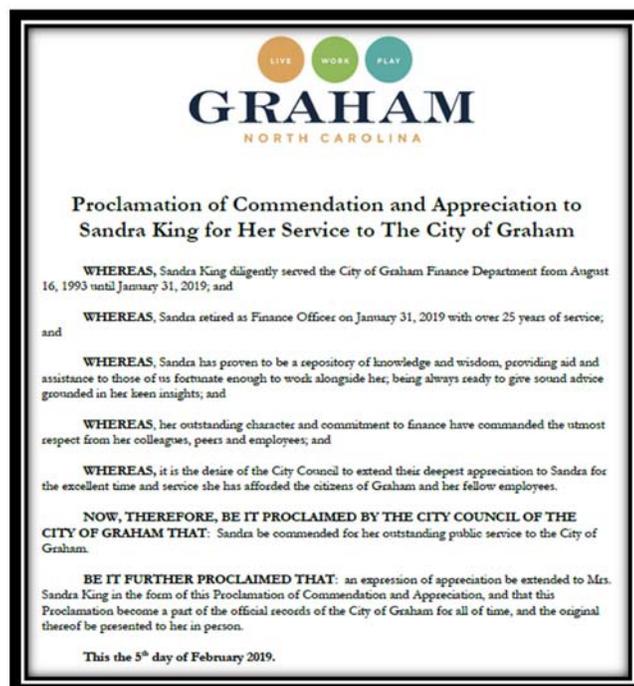
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Mary Faucette, Downtown Development Coordinator
Alexa Powell, City Planner
Brian Faucette, Recreation & Parks Director

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

Consent Agenda:

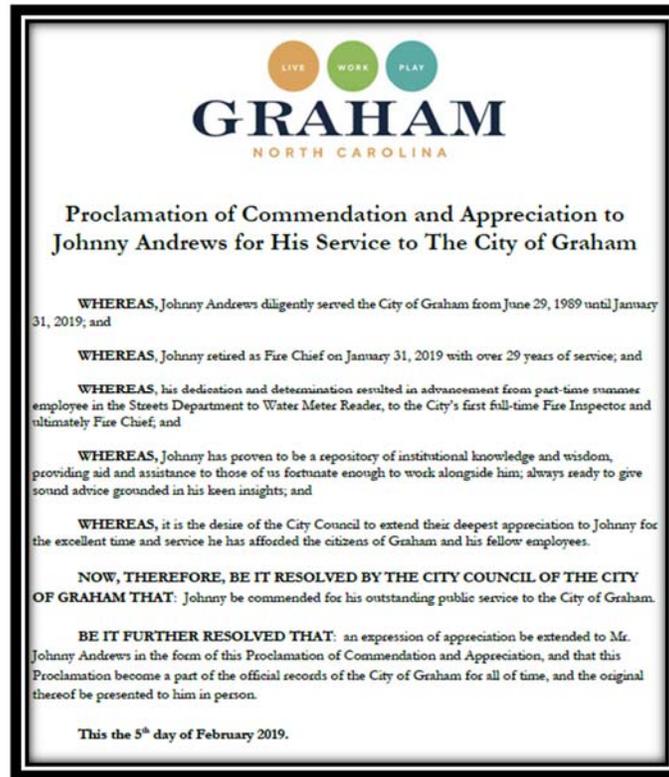
- *Sandra King – Proclamation of Commendation and Appreciation for 25 years 6 months service to the City of Graham*

Mayor Peterman and City Manager Frankie Maness presented Mrs. Sandra King with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mrs. King thanked both gentlemen.



➤ ***John Andrews – Proclamation of Commendation and Appreciation for 29 years 7 months service to the City of Graham***

Mayor Peterman and City Manager Frankie Maness presented Mr. Johnny Andrews with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Andrews thanked everyone and said it had been a wonderful experience working for the City.



Consent Agenda:

- a. *Approval of Minutes – January 8, 2019 Special Session*
- b. *Approval of Minutes – January 17, 2019 Special Session*
- c. *Amend motion for City Attorney services from the January 17, 2019 Special Session to reflect contract approval at the February 5, 2019 City Council meeting*
- d. *Tax Releases*

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>
666586	2017	RAMIREZ, MARIA	MOBILE HOME LISTED FOR WRONG YEAR	74.03
665817	2018	LIDL US OPERATIONS	FINAL VALUE CORRECTIONS	2,406.38

e. Tax Collector's Mid-Year Report

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 30, 2019		
TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,076,915,481	0.455%
<u>DISCOVERIES:</u>		
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	5,991,288	27,246.73
<u>ANNEXATIONS:</u>		
	776,244	3,246.89
<u>ABATEMENTS:</u>		
	(2,741,513)	(12,530.14)
CURRENT LEVY	1,080,941,500	4,917,938.71
OUTSTANDING REAL PROPERTY TAXES:		244,366.61
OUTSTANDING PERSONAL PROPERTY TAXES:		85,684.56
TOTAL OUTSTANDING TAXES		330,051.17
CURRENT YEAR TAXES COLLECTED:		4,587,887.54
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:		93.29%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 14, 2019 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		

f. Tax Collector's Debt Set-Off Report

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Griffin McClure asked to pull item "c".

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

Council Member McClure asked for clarification of item "c". Mayor Peterman explained that the motion he made during the January 17-18, 2019 Special Session with regards to voting on the new City Attorney contract included a February 4, 2019 date, when in fact it should have been February 5, 2019.

Council Member McClure 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. Approve contract with Robert Ward & Bryan Coleman to provide City Attorney services***

City Attorney Keith Whited explained that the contract for attorney services is changing from a part-time employee agreement to contract services, or vendor agreement. It contains standard insurance provisions and Council's requirements for 20 hours per week at the agreed upon annual rate of \$78,000.

Following a brief discussion between Council Members regarding provisions for education, mileage and/or severance by either party, Council Member Wiggins made a motion to approve the contract with Robert Ward and Bryan Coleman to provide City Attorney services. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Downtown Associate Community Program:

- i. Approve Resolution of Commitment***
- ii. Approve Resolution Designating Coordinating Entity***

Downtown Development Coordinator Mary Faucette recapped last month's presentation and reminded Council of their questions to her at that meeting. Staff is requesting approval to submit an application, including signing a Resolution of Commitment to the NC Main Street & Rural Planning Center to Participate in the Downtown Associate Community Program and signing a Resolution Identifying the Coordinating Entity for the Local Downtown Associate Community Program. Mrs. Faucette added the City would commit a minimum of \$5,000 annually for up to three years as well as dedicate staff time if selected to participate in the Downtown Associate Community program. Additionally, Mrs. Faucette explained that Council will have to designate a coordinating entity if they choose to move forward with application to this program.

Council Members and staff briefly discussed defining the downtown area and the creation of an advisory board before Mayor Pro Tem Lee Kimrey made a motion to approve signing the following Resolution of Commitment to the NC Main Street & Rural Planning Center to Participate in the Downtown Associate Community Program. Council Member McClure seconded the motion and all voted in favor of the motion.

Council Member McClure made a motion to approve signing the following Resolution to Designate the Downtown Development Coordinator as the Coordinator for the Local Downtown Associate Community Program, seconded by Council Member Wiggins. All voted in favor of the motion.

**RESOLUTION OF COMMITMENT TO THE NC MAIN STREET & RURAL PLANNING CENTER
TO PARTICIPATE IN THE DOWNTOWN ASSOCIATE COMMUNITY**

WHEREAS, the City of Graham desires to be selected as a community participating in the Downtown Associate Community program administered by the NC Main Street & Rural Planning Center; and

WHEREAS, the City of Graham and its Council embraces the concept of downtown revitalization as economic development within the context of historic preservation and wishes to ensure the ongoing vitality of its downtown business district and support the local downtown initiative administered by the Downtown Development Coordinator; and

WHEREAS, the City of Graham and its Council understands that the Downtown Associate Community program will focus on the organizational development process for up to three years in order to create a sustainable downtown organizational structure to implement a vision, develop strategies and produce action plans;

WHEREAS; the City of Graham is dedicated to utilizing the foundation of the National Main Street Center's Main Street Four-Point Approach to downtown revitalization and the principles of Organization, Design, Promotion and Economic Vitality; and

WHEREAS; the City of Graham recognizes the nationwide success of the principles of the Main Street Program for creation of new businesses, significant private sector capital investment that increases the property tax base and a significant increase in net employment; and

WHEREAS, the City of Graham will agree to budget up to \$5,000 for fiscal year 2019-2020, in order to reimburse the NC Main Street & Rural Planning Center for travel related expenses at the current IRS rate as well as meals and lodging at the state per diems when applicable and for travel and training of the designated coordinator for the local Downtown Associate Community program;

WHEREAS, the City of Graham acknowledges that if selected to participate in the Downtown Associate Community program, that the City will sign a Memorandum of Understanding (MOU) with the N.C. Department of Commerce, NC Main Street & Rural Planning Center, outlining the requirements for participation in the Downtown Associate Community program with the Center;

WHEREAS, the City of Graham agrees that if selected acknowledging that selection does not guarantee future designation as a North Carolina Main Street community.

WHEREAS, the City of Graham and its Council understands that the foundation of a successful local Downtown Associate Community program is based in the knowledge that both the public and private sectors have a vital interest in the success of the downtown business district and must partner together in order for it to succeed. Now, therefore,

BE IT RESOLVED that the Graham City Council endorses the City of Graham's application to the North Carolina Department of Commerce, NC Main Street & Rural Planning Center for participation in the Downtown Associate Community program; and

BE IT FURTHER RESOLVED that the City of Graham and its Council commits \$5,000 to the administration of the local Downtown Associate Community program.

THIS THE 5TH DAY OF FEBRUARY, 2019.

**RESOLUTION DESIGNATING THE COORDINATING ENTITY FOR THE LOCAL
DOWNTOWN ASSOCIATE COMMUNITY PROGRAM**

WHEREAS, the City of Graham desires to be selected as a community participating in the Downtown Associate Community program by the NC Main Street and Rural Planning Center; and

WHEREAS, the City of Graham and its Council understands that the North Carolina Department of Commerce, NC Main Street & Rural Planning Center requires that one entity shall be charged by the City with managing and implementing the local Downtown Associate Community program:

NOW, THEREFORE, BE IT RESOLVED that the Graham City Council hereby designates the Downtown Development Coordinator to administer the local Downtown Associate Community program for the City of Graham.

THIS THE 5TH DAY OF FEBRUARY, 2019.

- c. Public Private Partnership (P3) – East Interstate Service Road Development:*
- i. Approve Resolution Adopting Statement of Critical Need on City-Owned Property in the City of Graham, North Carolina*

City Planner Alexa Powell reminded Council that at last month's meeting, she presented Council with an opportunity to enter into a Public Private Partnership (P3). The property identified by staff is the City owned property located on East Interstate Service Road. She added that at last month's meeting, there was a request to hold off on voting on this agenda item as someone expressed the desire to be allowed to submit an offer to purchase the property from the City.

City Manager Frankie Maness advised Council that just this afternoon, he did receive an offer to purchase the property. He added that staff has not had time to fully analyze the offer and is not prepared to make a recommendation to Council. Mr. Maness informed Council that the offer is for \$225,000, which is about \$100,000 less than what the City has invested in the property. Mr. Maness advised Council that researching the offer and proceeding with a P3 Partnership could be worked on concurrently.

Council Members and staff discussed a variety of factors including, but not limited to, request for qualifications, P3 Partnerships in other cities, upfront costs incurred by the City and other projects such as Lidl and the Children's Museum that the City has worked on. With no further comments forthcoming, Mayor Peterman asked if anyone from the audience would like to speak on this matter.

Mr. Gary Renigar of 3600 Spanish Oak Hill Road Snow Camp and Mr. Rick Hurlocker of Saxapahaw stepped forward to address Council. Mr. Renigar informed Council that the purchase offer presented to the City for the property being discussed is on behalf of Mr. Hurlocker. Mr. Hurlocker stated that he appreciates the opportunity, would like to grow his business and own the property the business sits on.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward to express concern with taxpayer money being spent on a building should the City choose to move forward with the P3 Partnership.

Council Members and staff discussed the possibility of an agreement by which the City would subordinate the land. Mayor Pro Tem Kimrey, Council Member Turner and Council Member McClure expressed concern with moving forward with the P3 Partnership without having a specific plan or Request for Qualifications in place before voting. Council Member Wiggins stated that she would like to see Council take some action to pursue what Council may want. Mr. Maness asked Council Members if it would help to see a Request for Qualifications draft. They agreed that it would help.

Mayor Peterman made a motion to not adopt the 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, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Peterman then charged the staff move forward with the following and provide an update at the March Council meeting:

- Mr. Hurlocker's offer
- Put a draft on the table for the P3 Partnership
- A plan to subordinate the property

Consensus was given by Council.

Recommendations from Planning Board:

- a. **Public Hearing: Woody Signature (CR1803). Request from Brian Wise to rezone property located at 919 and 957 Woody Drive from R-18 to C-R (GPIN 8884821071, 8884825405)***

Assistant City Manager Aaron Holland explained the request and advised that at the request of the applicant, this item was tabled by the Planning Board until their scheduled February meeting.

Mayor Peterman opened the Public Hearing. With no comments forthcoming, Council Member Wiggins made a motion to continue the Public Hearing, seconded by Council Member Turner. All voted in favor of the motion.

Graham Regional Park Universal Playground:

b. Award Contract for the Graham Regional Park Universal Playground Restrooms, Picnic Shelter and Parking Lot Lighting to Stonewall Construction

Recreation Director Brian Faucette explained that the universal playground has been in the plans for this park since day one in some degree. He added that beginning 2016, staff has been involved with a small group of educators from the Alamance Burlington School System who work mainly with children with special needs. From these meetings, this playground has been designed. Late in 2016, the City applied for a Connect NC Bond and in May of 2017, the City was awarded that grant in the amount of \$500,000 to build this playground. Council has set aside an additional \$350,000 for this playground. In December 2018, the City received bids and asks that Council award the contract to Stonewall Construction for this phase of construction.

Following a general discussion between Council and staff, Council Member Wiggins made a motion to award the contract for the Graham Regional Park Universal Playground restrooms, picnic shelter and parking lot lighting, with the sidewalk deduct, to Stonewall Construction of Burlington and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City. 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 2017-2018. Ms. Rhodes 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.

On behalf of the Council, Mayor Peterman expressed his appreciation to Ms. Rhodes, Ms. Loy, Finance Director Sandra King, Tax Collector Sandy Callahan and Mr. Maness for their efforts.

Issues Not on Tonight's Agenda:

Mr. Jason Cooke of 1895 Challenge Drive Graham and Mr. Chris Foust of 1851 South Main Street Graham stepped forward and read a prepared statement on behalf of the majority of the Graham Volunteer Firemen. Mr. Cooke stated that while the majority of this group wanted the new Fire Chief to be a qualified internal candidate, they will continue to do the job they signed up for and will support the incoming chief.

Mr. Whited thanked Council for allowing him to serve the City and recognized them and their predecessors for doing a great job. Council Members took time thanking Mr. Whited for his service.

Mr. Maness introduced Mrs. Julianne Cordon as the City's new Finance Officer.

Council Member Kimrey informed Council that he has received concerns regarding the City's current 30 minute restriction with loading zones. He would like to see staff look into possibly extending the time. Mayor Peterman asked Mr. Maness to look at our Ordinance.

Council Member Wiggins commended Mr. Faucette and Historical Museum Advisory Board Chair Elaine Murrin for securing a \$5,000 grant for the museum.

At 8:29 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