

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, MARCH 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, March 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  
Bryan Coleman, 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. Ms. Carol Huntsman of Greater Works Ministry out of Henderson, NC gave the invocation and everyone stood to recite the Pledge of Allegiance. City Manager Frankie Maness introduced one of the new City Attorney's Bryan Coleman. Mr. Coleman and his law partner Mr. Bob Ward are now representing the City.

**Consent Agenda:**

- a. Approval of Minutes – February 5, 2019 Regular Session*
- b. Approval of Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
MARCH COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
579881	2018	STEWART, STEVE GORDON	BOAT SOLD	23.63

CITY OF GRAHAM REFUNDS				
MARCH COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
579881	2017	STEWART, STEVE GORDON	BOAT SOLD	26.61

- c. *Appoint Russell Compton to the Historical Museum Advisory Board with a term to expire June 30, 2022*
- d. *Appoint Bonnie Hutchinson to the Tree Board with a term to expire June 30, 2020*
- e. *Approve Audit Contract with Stout Stuart McGowen & King, LLP*
- f. *Approve Resolution of Commendation and Appreciation to Officer Todd Land for his service to the City of Graham and Awarding him his Badge and Service Sidearm*



## A Resolution of Commendation and Appreciation to Officer Michael Todd Land for His Service to the City of Graham and Awarding Him His Badge and Service Sidearm

**WHEREAS**, Officer Michael Todd Land diligently served City of Graham Police Department from August 10, 1989, to January 31, 2019; and

**WHEREAS**, Michael Todd Land retired as a Police Officer from the City of Graham on January 31, 2019, with 29 years 6 months of service; and

**WHEREAS**, his wisdom, care, dedication in the areas of patrol, training and crime prevention has commanded the utmost respect from his colleagues and peers; and

**WHEREAS**, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS**, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

**WHEREAS**, it is the desire of the City Council to extend their deepest appreciation to Michael Todd Land for the excellent time and service he had afforded the citizens of Graham and his fellow employees.

**NOW, THEREFORE, BE IT RESOLVED** by The City County of the City of Graham, North Carolina that: Michael Todd Land be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER RESOLVED THAT:** The City Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to transfer to Michael Todd Land, the badge worn by him during his service with the Graham Police Department and his service sidearm, a Glock .45 caliber, Model 21, Serial # GFZ489

This the 5<sup>th</sup> day of March, 2019.

*g. Approve Resolution to Amend the Regional Geographic Information System Agreement*

**RESOLUTION TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM (ReGIS) AGREEMENT**

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, on August 14, 2001, the City of Burlington (hereinafter, "City"), and City of Graham and Town of Elon (hereinafter, "Partners") entered into a Regional Geographic Information System (ReGIS) Agreement; and

WHEREAS, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

WHEREAS, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

WHEREAS, the City and Partners recognize that a regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

WHEREAS, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost effective implementation of GIS-related management information systems,

WHEREAS, the current ReGIS Agreement will expire at the end of the fiscal year 2018-2019; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, THAT:**

Section 1: Item 2 of the Regional Geographic Information System (ReGIS) Agreement—"Duration of Agreement"—be amended to extend the agreement through fiscal year 2022-2023.

Section 2: This resolution will take effect upon passage of identical resolutions by all ReGIS Partners.

Adopted this 5th day of March, 2019, by the City Council of the City of Graham, North Carolina.

*h. Approve Resolution Authorizing Conveyance of 2004 Ford Crown Victoria to Alamance Community College Pursuant to G.S. 160A-274*

**RESOLUTION AUTHORIZING CONVEYANCE OF A 2004 FORD CROWN VICTORIA TO ALAMANCE COMMUNITY COLLEGE PURSUANT TO G.S. 160A-274**

WHEREAS, the City of Graham owns a 2004 Ford Crown Victoria, Inventory #124, VIN# 2FAHP71W24X169542; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Graham has determined that it is in the best interest of the City to convey a 2004 Ford Crown Victoria to Alamance Community College, and deems it wise to do so for no consideration.

**THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:**

1. The City of Graham hereby conveys to Alamance Community College the following property: A 2004 Ford Crown Victoria, Inventory #124, VIN# 2FAHP71W24X169542.
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 5th day of March 2019.

- i. Approve Request from Graham United Methodist Church to close the 100 block of East Market Street on Saturday, April 13, 2019 from 9:00 a.m. - 4:00 p.m. for a Community Easter “Egg”stravaganza Event*
- j. Approve Request by Mary Faucette to close the 100 block of West Elm Street on May 18, 2019 from 10:00 a.m. – 8:00 p.m. for the second annual Love Graham event*
- k. Approve Request from Brian Faucette to close the 100 & 200 blocks of West Elm Street on May 4, 2019 from 4:00 p.m. – 11:00 p.m. for the Grown-Up Egg Hunt. Alternative date May 11, 2019*
- l. Approve Request from Brian Faucette to close the 100 blocks of West Elm Street and East Elm Street on June 22, 2019 from 12:00 p.m. – 9:00 p.m. for Slice of Summer. Alternative date June 29, 2019*
- m. Approve Request from Brian Faucette to close the 100 block of East Elm Street on October 25, 2019 from 8:00 a.m. – 10:00 p.m. and the 100 block of West Elm Street from 4:00 p.m. – 10:00 pm. for the Pumpkin Bash. Alternative date November 1, 2019*
- n. Approve Request from Brian Faucette to close the 100 block of West Elm Street from 5:00 p.m. – 11:30 p.m. on May 23<sup>rd</sup>, June 27<sup>th</sup>, July 25<sup>th</sup>, August 22<sup>nd</sup>, September 12<sup>th</sup> and September 26<sup>th</sup> for the 2019 Thursday at Seven Concert Series. Alternative dates for 2019 - May 28, 30; June 4, 6, 11, 13, 18, 20, 25; July 2, 9, 11, 16, 18, 23, 30; August 1, 6, 8, 13, 15, 20, 27, 29; September 3, 5, 10, 17, 19, 24; October 1, 3, 8, 10*

Mayor Peterman informed Council Members that he would like to pull item “j” from the Consent Agenda and asked the other Council Members if they would like to pull any of the items. Mayor Pro Tem Lee Kimrey asked to pull item “g”.

Mayor Pro Tem Kimrey asked Mr. Maness about the increased cost and cost sharing in general for this agreement. Mr. Maness stated that while the cost of the agreement has increased, so has the City’s reliance on the GIS system. With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “g” on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Peterman invited Downtown Development Coordinator Mary Faucette to speak about item “j” on the Consent Agenda. Mrs. Faucette advised that there had been a change in the original request. She asked Council for approval to close the 100 block of East Elm Street instead of the 100 block of West Elm Street. Following a brief discussion between Council Members and staff, Mayor Peterman made a motion to approve item “j” on the Consent Agenda, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Council Member Melody Wiggins made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f”, “h”, “i”, “k”, “l”, “m” and “n” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

## **Old Business:**

- a. Public Private Partnership (P3) – East Interstate Service Road Development:*
  - *Consider options to proceed*

City Planner Alexa Powell advised that the City had received an additional offer to purchase this property in addition to the one presented to Council at last month’s meeting.

Mr. Maness informed Council that the most recent offer was for \$240,000 and exceeds the offer of \$225,000 which included stipulations previously received. Mr. Maness added that both offers are below what the City paid for the property and the price determined by a market analysis performed three to four years ago. He stated that State Constitution requires us to receive adequate compensation for real property sold. Mr. Coleman informed Council that anything sold below fair market value may be considered a gift. He recommended that Council not accept any offer until the City has an appraisal done on the property and fair market value is determined.

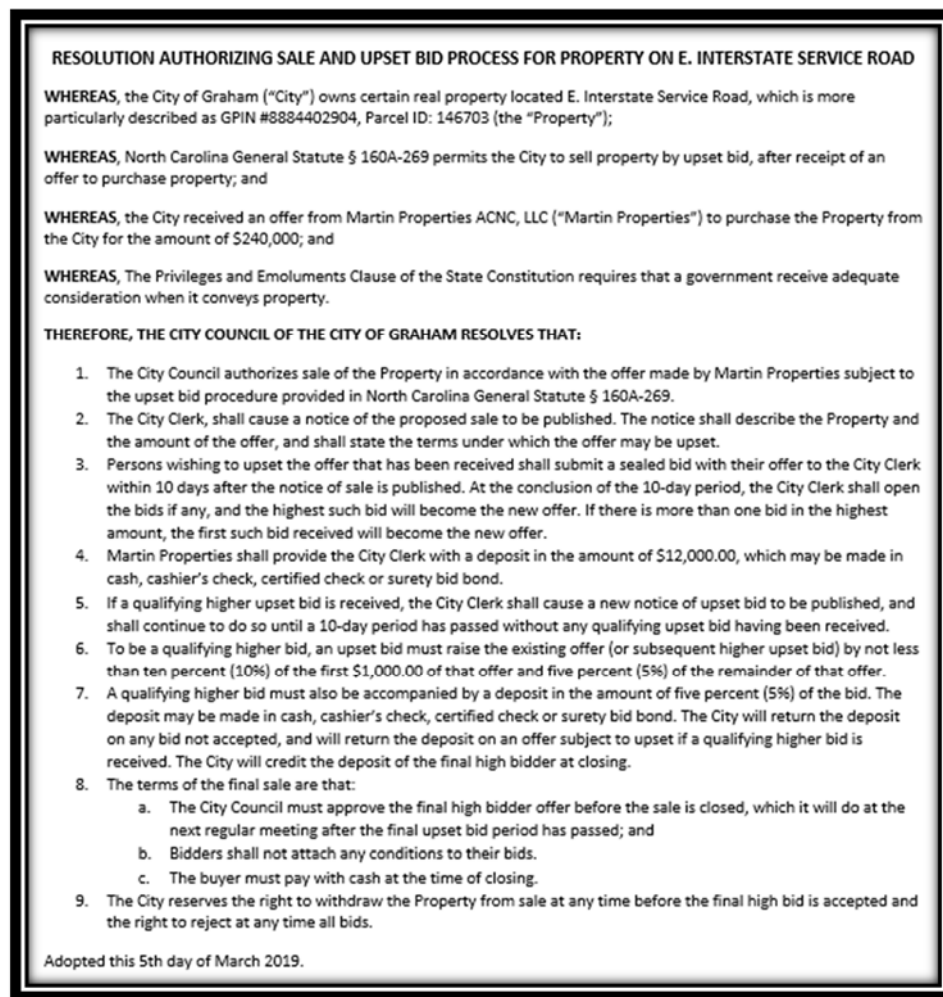
Council Members and staff spent time discussing the State Constitution, what fair market value is and who determines it, the current assessed value of the property and property which contains unbuildable acreage.

Mr. Gary Reniger of Keller Williams Realty and Mr. Richard Hurlocker stepped forward to address Council. Mr. Reniger advised that he is representing the Hurlocker family, who submitted the \$225,000 offer to purchase. He stated that it would be nice to keep a local company in town and support local folks.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and expressed concern with not moving forward on the acceptance of an offer of \$240,000 and the expense of having an appraisal done.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward and asked Mr. Maness who the second offer is from. Mr. Maness stated it was from Martin Properties. Mr. Boney stated his belief that Council can sell the property under fair market value if they so choose and it would comply with the State Constitution.

Mayor Pro Tem Kimrey asked Mr. Maness to go over the other options Council was asked to consider. Mr. Maness stated that generally you would want to have some intent behind whichever process is chosen. The upset bid process is one option with the other two being do nothing at all or further investigate the Public Private Partnership as previously presented by staff. Mr. Maness added that one option not discussed would be if there would be an option for the City to use the property. Following a brief discussion about the various options, Mayor Pro Tem Kimrey made a motion to approve the Resolution Authorizing Sale and Upset Bid Process for Property on East Interstate Service Road, as well as initiating an appraisal of the property. Council Member Wiggins seconded the motion and all voted in favor of the motion.



***b. 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)***

Planning Director Nathan Page explained this is a request to rezone the subject property from R-18 to C-R, with a proposed use classified as Dwelling, Multi-Family. He added that the project will include apartment buildings with up to 264 residential units as well as up to 28 townhome units. Amenities including a clubhouse, office and pool are also included. The developer is requesting alternative compliance for building spacing as shown on the preliminary site plan. He further added that while outside of the Highway 54 Overlay District, the developer is proposing a mix of surfaces including brick and/or hardiplank or similar composite product. Approval of the project as requested would not permit vinyl construction at this location. Access to the site will be provided via Woody Drive and Whittemore Road. Mr. Page advised that the Planning Board's vote was tied 3-3 and made no recommendation. He informed Council that after the Planning Board meeting, there were additional pieces submitted, one being a landscaping plan showing the proposed residential buffers around the project. The other piece submitted, after the agenda packet had been sent out, is a site plan showing the relocation of the townhomes. Staff has since recommended two additional conditions be considered with approval: The landscaping shown on the concept plan by Deborah Brown on February 12, 2019 be adhered to; The structures and layout as shown on the sketch plan by CPT Engineering with revisions through March 4, 2019 be adhered to.

Following a general discussion between Council Members and staff, Mayor Peterman opened the Public Hearing. Mr. Brian Wise of 7010 Cross Hook Court Summerfield, the applicant for this project, stepped forward to address the Council. Mr. Wise stated that his group identified this property a few years ago and that it is his belief that this project is a fit for this area based on The Graham 2035 Comprehensive Plan. Mr. Wise added that they now plan to build a 3,000-5,000 square foot commercial building that will be flexible in use.

Mr. Joshua Reinke, 5808 Faringdon Place Raleigh stepped forward to address Council. His firm, Ramey & Associates, performed the Traffic Impact Analysis. He stated that traffic signal timings are something he is requesting be looked at.

Mayor Peterman disclosed that he has a family member who lives in the area of this proposed project, but believes that it does not influence him being able to do his job. Consensus was given that he would not have to recuse himself.

The following individuals expressed concern with this project:

Mr. Sam Holt, 116 Camelot Ln. Graham	Mr. Gary Eichmann, 100 Joe Ct. Graham
Mr. Richard Ramos, 1196 Valley Dr. Graham	Mrs. Dianne Ramos, 1196 Valley Dr. Graham
Ms. Kimberly Gardner, 1037 Noah Rd. Graham	Ms. Janice McSherry, 1047 Valley Dr. Graham
Mr. Billy Carter, 1114 Arthur Dr. Graham	Mr. Mike Hall, 1112 Castle Dr. Graham
Ms. Janemarie Baker, 927 Whittemore Rd. Graham	
Ms. Emmanuela Sulecki, 309 Granville Dr. Greenville	

Mr. Travers Webb of 619 East Harden Street Graham spoke in favor of the project. Mrs. Talley asked about the previous request for multi-family at this location. Mrs. Jeanne Neal of 967 Woody Drive Graham expressed concern about the project while praising Signature Properties for their willingness to address concerns of the area residents.

Mr. Bill O'Quinn of 100 Europa Drive Chapel Hill and Ms. Heather Smith of 918 Jill Drive Graham spoke on behalf of the current owners of the property. Mr. O'Quinn has been responsible for marketing this property and Ms. Smith's family owns the property. Both asked Council to approve this request.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Council Members and staff addressed some of the resident's concerns. Mayor Pro Tem Kimrey asked staff about storm water runoff and infrastructure. Mayor Peterman addressed concerns about fire safety. Council Member McClure, who advised that he and his family live at Watercourse now, stated that he isn't overly worried about traffic, crime or flooding. He did however express concern with the City's long term planning and the overall arc of development and how heavily invested we have been with multi-family developments. Council Member Wiggins stated that she believes its Council's responsibility to get the best option for this property. Council Member Turner echoed Council Member McClure's concern about the heavy concentration of multi-family units being developed.

Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A final site plan must be approved by the Technical Review Committee (TRC) prior to the issuance of any multi-family building permits.

- A TRC approved sidewalk connection to Highway 54 shall be installed or bonded to be completed after NCDOT enlargement of the culvert on Woody Drive.
- The landscaping shown on the concept plan by Deborah Brown on February 12, 2019 be adhered to.
- The structures and layout as shown on the sketch plan by CPT Engineering with revisions through March 4<sup>th</sup>, 2019 be adhered to.
- A 5 foot high fence towards Noah Road on the north of the property replace the current proposed fence; and

The application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: It gives a true mixed use in a commercial mixed use district. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Mayor Peterman. Nays: Council Member McClure and Council Member Turner. Motion carried 3:2.

### **Recommendations from Planning Board:**

- a. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)***

Mr. Coleman advised Council that a Special Use Permit requires the Council to conduct a Quasi-Judicial Hearing in which Council Members take evidence and receive exhibits as presented. He added that anyone who wishes to testify for or against the petition will have to be sworn in. Mayor Peterman opened the Quasi-Judicial Public Hearing and City Clerk Darcy Sperry swore in Mr. Maness, Mr. Page, Mr. Chuck Talley, Mrs. Jennifer Talley, Mr. Chad Huffines and Mr. Ryan Moffitt.

Mr. Coleman instructed Mayor Peterman to poll the Council for any conflicts with this particular item. Mayor Peterman polled the Council. Mayor Peterman disclosed that he has spoken to Mr. Talley about this project while Council Member Wiggins disclosed that she attended the Planning Board meeting where this item was discussed. By consensus, Council Members saw no reason either should be recused.

Mr. Page explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court. The property is currently vacant. Properties zoned Industrial are required by the Development Ordinance to apply for a Special Use permit to allow the use of Commercial Campground. He further stated that the Planning Board has recommended approval. There is one condition that was changed after the agenda packet was sent out. The old language read as follows:

- Any wastewater facilities shall be flood-proofed at least 2' above the 100 year flood level.

The new proposed language reads as follows:

- Sanitary sewer connections shall be designed, maintained, and operated to prevent intrusion in the event of a flood, with design parameters as determined and approved by the City of Graham Utility Director.



With guidance from the State, Ms. Mann stated that all sewer services must be equipped with an automatic check valve that the RV quick-connect will open automatically and with the following restrictions:

- a. O&M Agreement through the pretreatment program where they provide documentation that the check valves are functional.
- b. The check valve would need to be sufficient to withstand flood water pressure.
- c. The check valve would only be activated by an actual service connection.
- d. The check valve is to be reviewed and approved by City of Graham Water Resources Department.
- e. The connection would be sealed when a connection is made (i.e. if a flood happens while a sewer hose is connected to it).
- f. The sewer services are to be tied to a private sewer line that will connect to the public line. The private sewer line will need to be either a 6" or an 8" line that comes into a manhole.

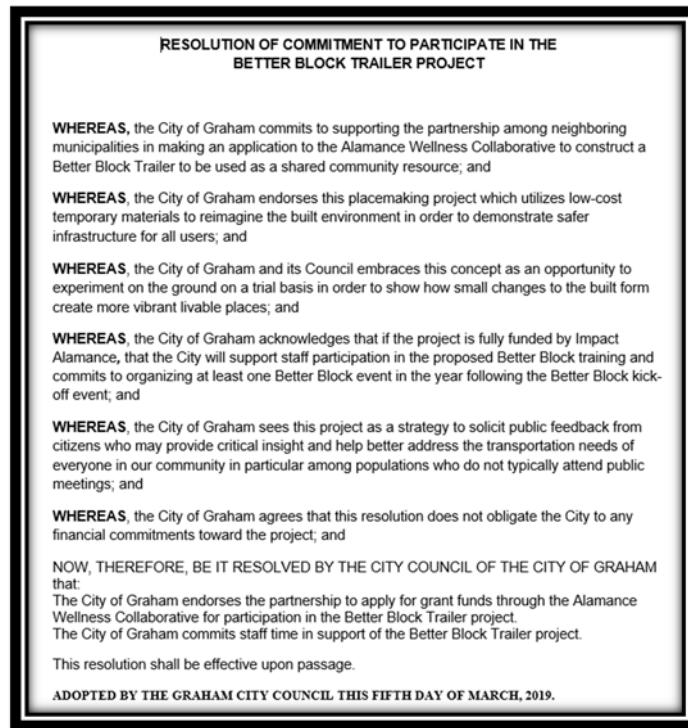
Following a brief discussion between Council Members and staff, Mr. Talley stepped forward to address Council. He asked Council to table this item until next month, so as to allow time to work out some of the details. Mayor Pro Tem Kimrey made a motion to continue this Quasi-Judicial Public Hearing until April 2, 2019, seconded by Council Member Wiggins. All voted in favor of the motion.

### **Better Block Trailer:**

#### ***a. Adopt Resolution of Commitment***

City Planner Alexa Powell explained that inspired by Mark Fenton's workshop, the Better Block trailer would be a shared resource to help reimagine our built environment. She added that this innovative place making initiative aims to create safer infrastructure for people of all ages and abilities. The City of Graham has partnered with the City of Mebane, the Town of Green Level, and the Piedmont Triad Regional Council (PTRC) to develop this grant proposal for funding to facilitate purchasing these materials through the Alamance Wellness Collaborative Healthy Communities Grant. Ms. Powell concluded by stating that there is no contribution of funds being asked of the Council at this time.

A general discussion ensued. Some of the details discussed pertained to costs, material replenishment and trailer utilization options. Mayor Peterman stated he did not see the value. Ms. Powell advised that this would be a way to see if something is going to work before spending money. Council Member Wiggins made a motion to adopt the Resolution of Commitment to support the Better Block Trailer project, seconded by Council Member McClure. Ayes: Council Member Wiggins, Council Member McClure, Council Member Turner and Mayor Pro Tem Kimrey. Nays: Mayor Peterman. Motion carried 4:1.



### Issues Not on Tonight's Agenda:

Ms. Emily Sutton of 2602 Saxapahaw Bethlehem Church Road Graham stepped forward and expressed concern with the Mountain Valley Pipeline Southgate proposal. Since she spoke to Council last, the Alamance County Commissioners have signed a resolution not supporting this project and would like for this Council to do the same. Council Member McClure stated that he has spoken with Ms. Sutton and would like to put together an independent group to further research this issue and bring something back to Council.

Mr. Page advised that there was a great turnout for the Small Area Plan and that the Toole Design folks will be back the first week of April.

Council Member McClure inquired about the line item included in this year's budget for compiling a brand kit to achieve uniformity with our logo. He advised that he will be working with staff on this and welcomes any input from his fellow Council Members.

Council Member Turner welcomed Mr. Coleman to the City.

Mayor Pro Tem Kimrey asked Mr. Maness for an update to his question from last month with regards to loading zone times. Mr. Maness advised that staff would prefer to wait until the Small Area Plan is done before changing anything. He admitted that there is inconsistency with what is on the ground and what is codified.

At 9:58 p.m. Council Member McClure made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

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Darcy Sperry, City Clerk