

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 1, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 1, 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 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

Council Member Absent:

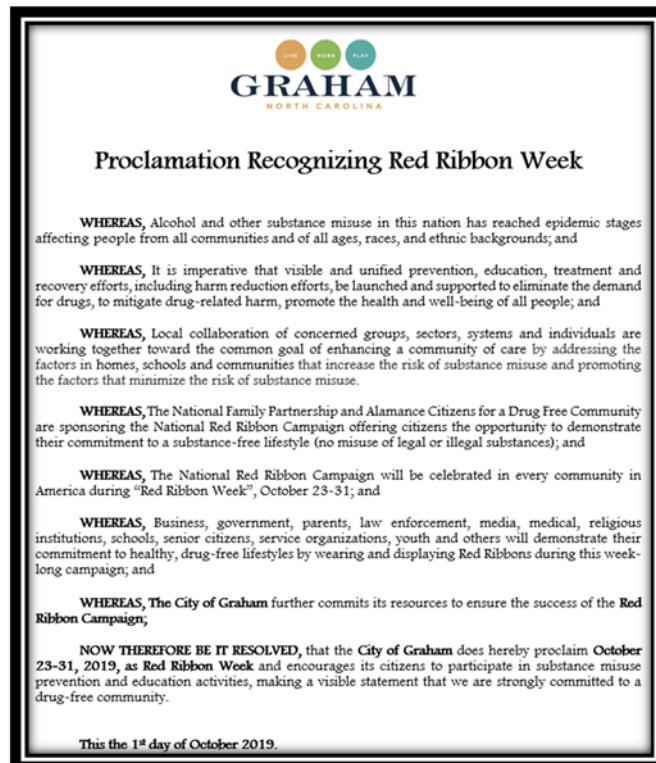
Council Member Chip Turner

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

Honorary Proclamation:

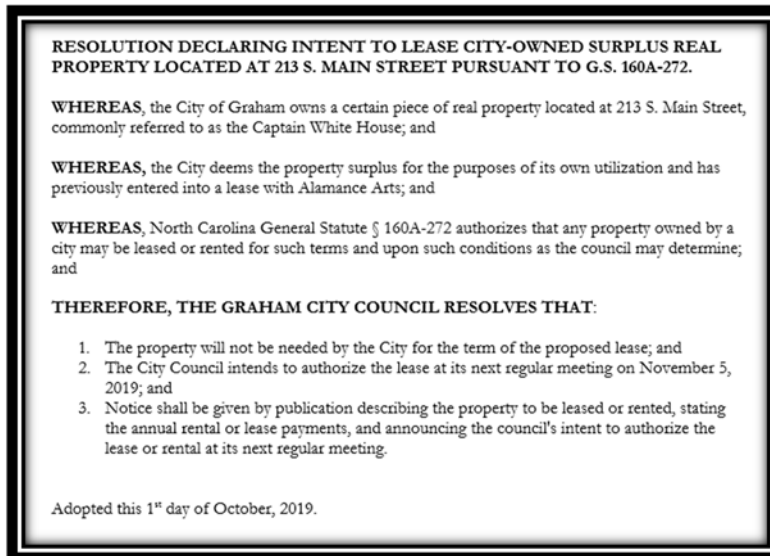
➤ *Red Ribbon Week*

Mr. Albright gave a brief history of the Red Ribbon Campaign and introduced Graham High School Teacher P.J. Michaelson. Mr. Michaelson introduced student body president Genesis Wilkins, senior class president Emmanuel Sanchez and sophomore class president Ismael Castillo. The students took turns reading the proclamation and handed out red ribbons to members of the Council.

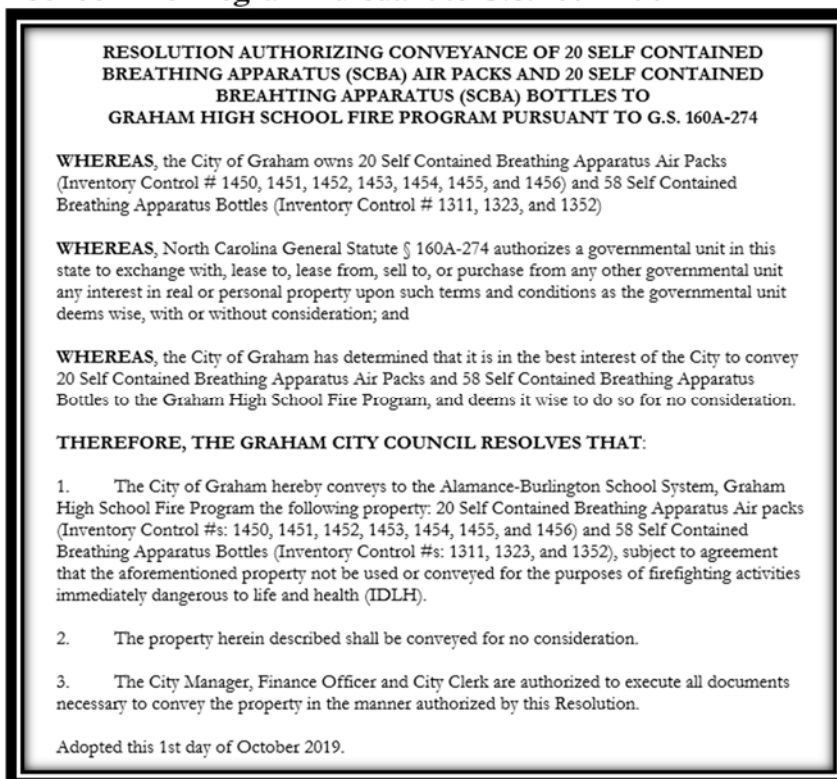


Consent Agenda:

- a. *Approve Minutes – September 3, 2019 Regular Session*
- b. *Approve Minutes – September 18, 2019 Special Session*
- c. *Approve Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 213 S. Main Street Pursuant to G.S. 160A-272*



- d. *Approve Request by Alamance Arts for the closure of two (2) parking spaces immediately south of the Alamance County Historic Court House from October 18, 2019 through March 31, 2020 for the Embracing Peace sculpture display*
- e. *Approve Resolution Authorizing Conveyance of 20 Self Contained Breathing Apparatus (SCBA) Air Packs and 58 Self Contained Breathing Apparatus (SCBA) Bottles to the Graham High School Fire Program Pursuant to G.S. 160A-274*



Mayor Pro Tem Lee Kimrey made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Old Business:

a. Downtown Master Plan

Mayor Peterman informed everyone that he would be asking for a consensus from Council concerning the proposed Downtown Master Plan. He eluded to some of the same similarities and challenges we have today with what the City faced 40 years ago, when DOT last paved. Mayor Peterman stated that we gained a map of infrastructure placement and time from DOT from hiring consultants to provide us with this proposed Plan.

Mayor Peterman asked Council for consensus that we end discussion of the Downtown Small Area Plan, only make changes to the downtown for: (1) fire and pedestrian safety, (2) infrastructure needs, (3) ADA needs, (4) DOT regulations.

Mayor Pro Tem Kimrey stated he was pleased that we were able to get water and sewer improvements approved ahead of DOT paving. He added that he feels like we have accomplished the most important goal and will save the taxpayers money. He stated he is in favor of leaving this Plan tabled and moving forward.

Council Member McClure asked for clarity between Mayor Peterman's consensus and leaving this Plan tabled. Mayor Peterman advised that his request be for consensus that Council will look at what he proposed versus adoption of a Plan. Council Member McClure stated that he is not in favor of that. He added there are too many valuable things in this Plan that links us with our progress with DOT, and saves us money. Council Member McClure is not in support of putting this Plan on a shelf, never to be looked at again.

Council Member Wiggins stated that she is not in favor of wasting taxpayer money by putting this Plan on a shelf, but is in favor of doing water and sewer improvements. She expressed concern with a consensus vote not being legally binding. She is in favor of tabling this Plan.

Following a brief discussion between Council Members, Council Member McClure made a motion to hold an advertised work session at 1:00 p.m. on October 22, 2019 to further discuss the Downtown Master Plan, seconded by Council Member Wiggins. All voted in favor of the motion.

b. Quasi-judicial Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692)

Planning Director Nathan Page advised that the Planning Board had tabled this item at the applicant's request. He advised that the Planning Board recommended no action be taken at this meeting. Mayor Peterman made a motion to table this item for one month, seconded by Council Member Griffin McClure. All voted in favor of the motion.

c. Second Reading: Approve Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to delete requirement of the City to store removed junk debris for seven days

Assistant City Manager Aaron Holland reminded Council that this item was brought before them last month. As requested, staff reviewed General Statutes and case laws as they pertain to junk removal for better clarity. It was determined that there are not any laws requiring a hold on junk debris prior to removal from private property. After evaluating the current and proposed language from the first reading, City staff is recommending amending Sec. 12-71 (1) which references the abatement of nuisances by removal of junk debris with additional changes to Sec. 12-71 (2-C) recommended by the City attorneys. The requested amendment is to delete an antiquated requirement of the City to store removed items for seven days but instead provide a hold of property on the subject property for 10 days. This compromise removes the responsibility of the City to store items offsite while providing additional time to the property owner to comply.

Council Members and staff briefly discussed how the proposed change in language would actually make this a first reading and the importance of documenting debris that is considered to be within the 10-day hold period. Mr. Holland informed Council of the supermajority vote stipulations pertaining to a first reading vote. He also spoke of plans for multiple visits to a property in violation with pictures to be taken each visit.

Council Member Melody Wiggins made a motion to approve the Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to amend requirement of the City to store removed junk debris, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

Recommendations from Planning Board:

a. Public Hearing: AM1904 Boutique Shops. Application by Janet Ecklebarger to define Boutique Shops and make them use by right in Neighborhood Business (B-3)

Planning Director Nathan Page explained that Ms. Janet Ecklebarger has applied for an amendment to our Development Ordinance to clarify Boutique Shops and to permit them as use by right in Neighborhood Business zones. He added that the Planning Board recommended approval with a 2,000 square foot maximum.

Following a brief discussion about calculating square footage and the size of lots in the B-3 zoning district, Mayor Peterman opened the Public Hearing.

Ms. Ecklebarger of 604 Washington Street Graham stepped forward and encouraged Council to approve her request. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the text amendment be approved with a 3,500 square foot maximum, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: The 2035 Plan, in Strategy 2.1.5 and 2.3.1, as well as Policy 2.1.6 and 2.3.2, recommends increasing small business opportunities within Graham. Council Member McClure seconded the motion and all voted in favor of the motion.

b. Public Hearing: CR1901 S Main Townhomes. Application by Villane Inc. for 32 townhomes. GPIN 8882397172

Mr. Page explained that this is a request to rezone the subject property from Conditional Rezoning to Conditional Rezoning. Originally, the rezoning permitted 32 townhomes with a private street. The proposed rezoning has 32 townhomes with a proposed public street. If rezoned, the property will also have to comply with the updated stormwater regulations. Mr. Page added that the property is currently vacant.

Council Members and staff discussed construction for private and public roads, the sewer easement at the back of the property, topography issues with this property and egress options for the property. Following this brief discussion, Mayor Peterman opened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and asked if the property would have to be brought into the City limits. Mr. Maness told him that it does not have to, but it is likely that it will. Mr. Maness listed several factors that determine whether or not the City would bring the property into the City limits. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Following another brief discussion between Council Members and staff, 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: For applicable Policy 3.3.2, 5.1.1 and 4.3.1. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

c. Public Hearing: RZ1904 S Main Windsor. Application by David Michaels, Windsor Investments for rezoning from R-18 to R-9. GPIN 8883100157, and part of 8883312515, 8883216464, 8883204297, 8883303914

Mr. Page explained that this is a request to rezone the subject property from R-18 and R-12 to R-9. The property is currently vacant, wooded, and under cultivation.

Mayor Pro Tem Kimrey asked Mr. Page what is currently the only type of dwelling permitted as a use by right in R-9. Mr. Page answered single-family homes. With no further questions forthcoming, Mayor Peterman opened the Public Hearing.

Mr. David Michaels of 5603 New Garden Village Drive Greensboro stepped forward representing Windsor Investments. He gave a brief history of Windsor Homes and spoke of another subdivision they are currently developing in Graham – The Forks of Alamance. He stated that they are proposing 130 homes for this property. Council Member McClure asked about the main points of egress with future roads. Mr. Michaels stated Parham Drive and Wildwood Lane would be the main roads leading to and from this property. Mayor Pro Tem Kimrey asked Mr. Michaels if there had been any thought of rezoning this property to R-12 with open space. Mr. Michaels stated that had been looked at, but they felt better requesting R-9.

The following individuals stepped forward to address this request with Council Members:

Sara Burnett – 1923 Broadway Dr. Graham	Neil Gann – 1923 Broadway Dr. Graham
Mark Jones – 1701 Parham Dr. Graham	Nicki Ellis – 1738 Parham Dr. Graham
Steve Anderson – 224 W. Shannon Dr. Graham	Marty Fuller – 205 W. Shannon Dr. Graham

Nathan Glass – 1524 Stonegate Dr. Graham	Richard Shevlin – 510 Wildwood Ln. Graham
Ron James – 1619 Wedgewood Dr. Graham	Alice Van Tine – 1831 Broadway Dr. Graham
Mitz Adamson Kime-1834 Broadway Dr. Graham	Hannah Bason – 1838 Broadway Dr. Graham
Jill Bullis – 500 Wildwood Ln. Graham	Hayden Garrison – 1933 Broadway Dr. Graham
Richard Arnold – 232 W. Shannon Dr. Graham	Patty Allen – 265 W. Shannon Dr. Graham
Mike Allen – 265 W. Shannon Dr. Graham	Susan Hyder – 302 Thompson Rd. Graham
Danielle King – 1842 Broadway Dr. Graham	Chris Foust – 1851 S. Main St. Graham

Mr. Tom Hall of 5603 New Village Drive Greensboro stepped forward to address the Council on behalf of Windsor Home. Mr. Hall stated that he is President and part owner of Windsor Homes. He added that he is proud to be a part of the Graham community. He stated that as a builder of several neighborhoods, he would like to believe that they are responsible and sensitive to the neighbor's needs. Mr. Hall stated that his company would abide by all comments received during the site plan review process. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the concerns voiced by those who spoke. Mayor Pro Tem Kimrey mentioned the 15 acres located in the flood zone while reminding everyone that the remaining acres could be developed tomorrow without any input from this Council under the current zoning. Council Member McClure expressed concern with the two points of egress, bookend by two different zoning districts. He stated that he likes R-12 or R-15, but is against R-9. Council Member Wiggins agreed that traffic is of concern, but that will be addressed with the Technical Review process. Mayor Peterman asked Mr. Michaels if his company would survive with R-12 zoning. Mr. Michaels stated he would have to look at the plan before answering that question. Mayor Peterman called for a break to allow Mr. Michaels and Mr. Hall time to discuss R-12 zoning. Following the break, Mr. Michaels informed Council Members that they prefer R-9 approval, but would favorably consider and modify their request from R-9 to R-12.

Mayor Pro Tem Kimrey made a motion that the application be approved to R-12, 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 property would be consistent with Policy 3.2.1, 3.3.2, and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the Plan. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Mayor Peterman. Nays: Council Member McClure. Motion carried 3:1.

Closed Session:

At 9:44 p.m., Mayor Peterman made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Before Council left the Council Chambers, Mr. Boney expressed concern with the City's notification process. He also expressed concern with the lack of specificity the reasons included in the Closed Session motion state. Mayor Peterman advised it is for historic preservation.

At 9:56 p.m., Mayor Peterman reconvened the regular meeting. He stated that the City had received a counter-offer for property located at 125 North Main Street, to which Council has declined.

Issues Not on Tonight's Agenda:

Mr. James stepped forward and expressed concern about the possibility of allowing someone from outside the City to serve on a City board/commission.

Mrs. Jennifer Talley of 808 Sideview Street stepped forward and expressed concern with the Downtown Master Plan continuing to be on the agenda.

Mr. Daniel Alvis of Maple Street Tavern stepped forward to thank Council and staff for their support during the recently held Rockin' for Research Event.

Downtown Development Coordinator Mary Faucette informed everyone that some City buildings have been lit up pink in observance of October being Breast Cancer Awareness Month.

Mr. Boney stepped forward and expressed concern with the makeup of the Boards & Commissions Task Force.

Council Member Wiggins mentioned the recent passing of current Historic Resources Commission Member Helen Sharpe.

Mr. Maness mentioned that some staff members are facing health challenges as well and asked that everyone keep them in your thoughts and prayers.

At 10:25 p.m., Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk