

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, NOVEMBER 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, November 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 Chip Turner  
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

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Reverend Chris Howell from the Graham Baptist Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

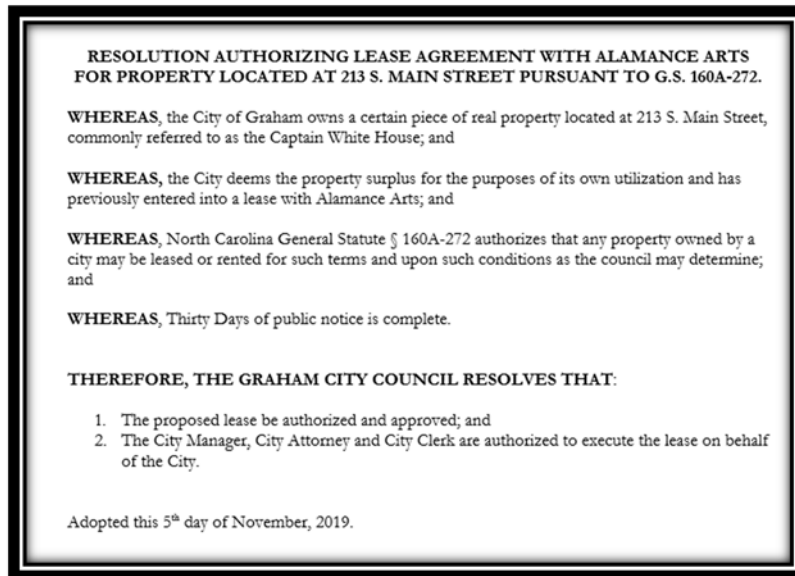
**Consent Agenda:**

- a. Approve Minutes – October 1, 2019 Regular Session*
- b. Approve Minutes – October 22, 2019 Special Session*
- c. Approve Tax Releases & Refunds*

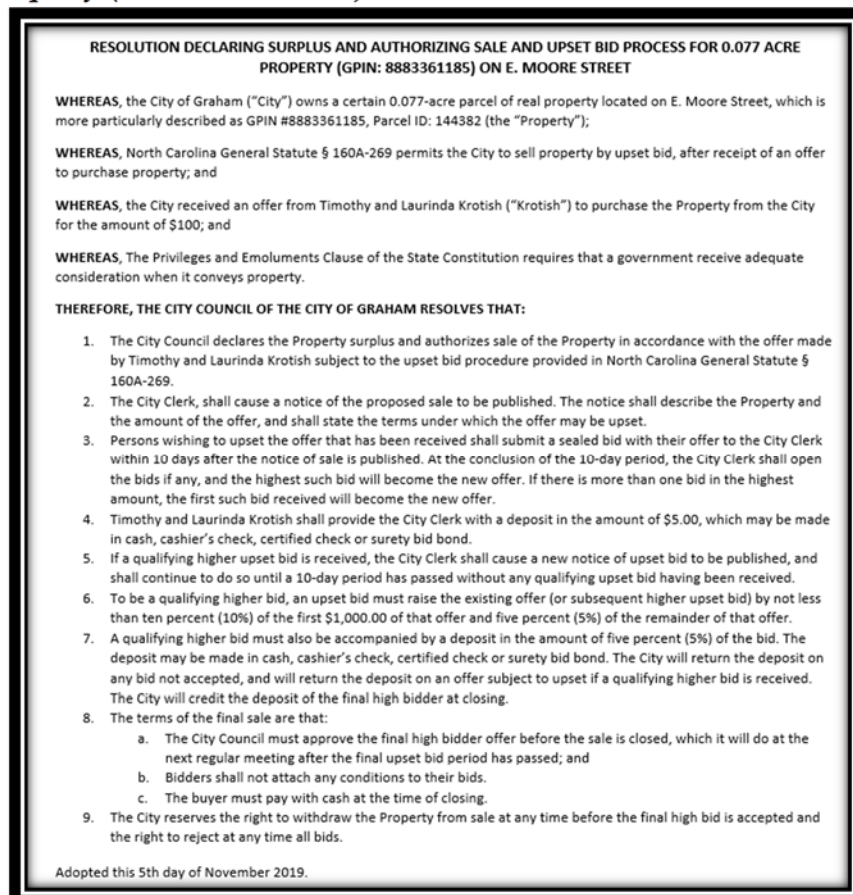
CITY OF GRAHAM RELEASE ACCOUNTS			
NOVEMBER			
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>AMOUNT RELEASED</u>
602015	2019	BARTS, HELEN J. LIFE ESTATE	203.59
459853	2019	SMITH, BRANDON LEE	1.28
629924	2019	MCNEELY, MARGARET B	\$157.67
646835	2019	CHEEK, PRISCILLA	\$164.61
648047	2019	SALEM LEASING CORP	\$23.36
648047	2019	SALEM LEASING CORP	\$37.84
648047	2019	SALEM LEASING CORP	\$231.08
664352	2019	CHAMPION & GILES PA	\$82.87

CITY OF GRAHAM REFUNDS			
NOVEMBER			
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REFUND AMOUNT</u>
459853	2017	SMITH, BRANDON LEE	1.34
459853	2018	SMITH, BRANDON LEE	1.35

- d. *Authorize the City Manager, City Attorney and City Clerk to enter into an agreement on behalf of the City with First Baptist Church of Graham for public parking*
- e. *Approve Resolution Authorizing Lease Agreement with Alamance Arts for property located at 213 S. Main Street Pursuant to G.S. 160A-272*



- f. *Approve request from Downtown Development Coordinator Mary Faucette to close the 100 block of West Elm Street from 9:00 a.m.-7:00 p.m. on Saturday, March 21, 2020 for the third annual Love Graham Event*
- g. *Approve Resolution Declaring Surplus and Authorizing Sale and Upset Bid Process for 0.077 Acre Property (GPIN 8883361185) on E. Moore Street*



- h. Approve request by the Alamance County Veterans Organization to close the 100 & 200 block of East Elm Street from 7:00 a.m.-8:00 p.m. on Saturday, November 9, 2019 for a Veterans Day Parade/Festival with the following conditions:***
- i. Certificate of Liability with the City's requirements***
  - ii. Extra Duty Solutions schedule (Received 10/31/19)***

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 "e", while Council Member Melody Wiggins asked to pull item "d".

Mayor Pro Tem Lee Kimrey made a motion to approve items "a", "b", "c", "f", "g" and "h" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

With respect to item "d", Council Member Wiggins commended staff for this proposal. Mayor Pro Tem Kimrey asked City Manager Frankie Maness to explain the agreement. Mr. Maness stated this agreement maximizes land use by utilizing the parking lot for dual purposes. This agreement is similar to the one we have with the Graham Presbyterian Church. With no further questions forthcoming, Council Member Wiggins made a motion to approve item "d" on the Consent Agenda, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

With respect to item "e", Council Member McClure asked Mr. Maness about the date included in the contract and if the contract would be retroactive. Mr. Maness advised that it could be made retroactive if Council should so choose, but the current contract has expired. With no further questions forthcoming, Council Member McClure made a motion to approve item "e" on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

### **Old Business:**

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

City Attorney Bryan Coleman read a statement about the Quasi-judicial evidentiary hearing process. Planning Director Nathan Page advised that the Planning Board had tabled this item at their last meeting and asked that no action be taken at this meeting. Mayor Peterman made a motion to postpone this item until the December 3, 2019 regular session meeting. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

### ***b. Downtown Master Plan***

Mr. Page explained that after the last meeting, there were a number of items suggested by the Council to be added to the appendix of the Plan. He advised those changes had been made.

Council Member McClure asked Mr. Page the following questions:

- Does this plan in any way recommend rear entry parking? Mr. Page answered no.
- Does this plan prevent any traffic from going through downtown on Main Street? Mr. Page answered no.
- Does this plan recommend a reduction in parking in the four block downtown area? Mr. Page answered no.

- Does this plan suggest or encourage eminent domain? Mr. Page answered no.
- If adopted, does this plan officially move any traffic to Maple or Marshall Streets? Mr. Page answered no.
- Does this plan bind or commit us to any specific project such as streetscape, infrastructure repair, sidewalk design, intersection configuration, parking configuration, number of parking spaces or anything else above or below the ground?
- Does this plan commit Graham in any way to paying for any specific project? Mr. Page answered no.
- Does this plan as submitted tonight allow staff to investigate and apply for grants from the federal and state levels as well as non-profits that could fund hundreds of thousands of dollars in infrastructure upgrades? Mr. Page answered yes.
- Will those grants then come before City Council before approval? Mr. Page answered yes.

Council Members and staff briefly discussed additional changes and how to go about making those additions/deletions without having to re-write the entire plan. Specifically discussed was the elimination of the splash pad and the image of the roundabout located at the South Main Street and McAden Street intersection. Following this discussion, Mayor Peterman opened the discussion to the floor.

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

Tom Boney – Alamance News	Daniel Winkle – 2409 Delaney Dr. Burlington
Jeff Leimberger – 213 N. Melville St. Graham	Jane Searls – 526 E. Pine St. Graham
Nathan Griffin – 1745 NC 49 Green Level	Linda Barnhill – 404 Forest Dr. Graham
Ben Barnhill – 404 Forest Dr. Graham	Nate Perry – 201 S. Maple St. Graham
Richard Wrike – Graham	Jane Farrar – 141 E. Harden St. Graham
Richard Shevlin – 510 Wildwood Ln. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Lisa Kyle Moser – 217 Guthrie St. Graham	Ronnie Isley – 510 Mendel Ter. Graham
Jennifer Talley – 808 Sideview St. Graham	Jason Cox – 200 N. Main St. Graham
Courtney Talley – 808 Sideview St. Graham	Chuck Talley – 808 Sideview St. Graham

Mr. Talley stated that stakeholders should have more power in what’s being said than anybody in the City.

Mayor Peterman closed the public comment period. Council Members briefly addressed some of the concerns by citizens. Council Member Turner and Mayor Peterman expressed concern with leaving something in the Plan that we will never do. Council Member Turner stated that he has spoken with a state traffic engineer at NCDOT who advised that they would help us with truck routing when the time comes.

Council Member McClure made a motion to approve the Plan as presented with amending the fourth bullet point on page 149 to read “Additional planning and design should eliminate the idea of a splash park”, with additional changes of adding a watermark over any diagram of the roundabout on South Main Street and McAden Street that says roundabout not advised. Mayor Pro Tem Kimrey seconded the motion. Ayes: Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.

CITY OF GRAHAM | DOWNTOWN MASTER PLAN

## CONDITIONS OF IMPLEMENTATION

It is essential that the Graham Downtown Master Plan be used as a planning resource only and not a design document. The concepts that are recommended should be further developed if and when the City Council decides to move forward. All design details such as parking (type and number), active and passive amenities, street materials, landscaping, intersection reconfiguration, and many more elements described in the plan are put forth as best practice and can be refined or altered during the design phase of each project by City Council before being implemented. This plan is conceptual in nature and all recommendations should be done in cooperation with property owners.

### Goals for Implementation:

- Additional planning and design should achieve pull in parking on West and East Elm Streets where possible.
- Additional planning and design should maintain non-restrictive loading zones as close to current sites as possible.
- Additional planning and design should recommend the most yield of 40 angled pull in parking spaces around the exterior of Court Square while exploring additional interior parking options as well. Let it be noted that the preferred rendering on page 35 is the smaller inset showing pull in parking as opposed to the larger rendering shown on page 35 and 36.
- Additional planning and design should eliminate the idea of a splash park.
- Additional planning and design should recommend the addition of a fire suppression riser system during any infrastructure upgrades in the downtown.
- Additional planning and design should consider all alternative routes for truck and vehicle traffic through downtown in addition to Gilbreath, Harden, McAden, Marshall, and Maple Streets.
- Additional planning and design should note that rear entry parking rendered on pages 42, 48, 50 and 51 is not actually preferred.
- Additional planning and design should not pursue a roundabout at McAden and South Main Street (shown on page 28).

At 8:25 p.m., Mayor Peterman called for a break and at 8:35 p.m. resumed the regular meeting.

### **Requests & Petitions from Citizens:**

#### ***a. License Agreement request by John Zheng for property located at 139 West Elm Street***

Assistant City Manager Aaron Holland explained that Mr. John Zheng has submitted a written letter and supporting photos for a proposed gas meter to be installed on the side wall of the building located at 139 W. Elm Street. The intent of the gas meter is to serve a future restaurant. Mr. Holland advised that City staff has met and concurs with the proposed location of the gas meter. He added that Historic Resources Commission approval is not required for this installation and staff recommends approval.

Council Members and staff discussed the request, specifically entering into an encroachment license agreement with a private individual for equipment belonging to a public utility service. Mr. Maness advised Council that they may want to consider combining this request with the previous encroachment license agreement already approved.

Mayor Peterman made a motion to authorize the City Manager and City Attorney to amend the encroachment license agreement with John Zehng for a proposed gas meter at 139 West Elm Street as identified by the submitted photos with the following condition:

- Provide final survey to confirm use of public space.

Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

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

***a. Public Hearing: CR1902 Albany Business. Application by J. Norman Thomas for a rezoning to permit duplexes and a small office space on a parcel located at 109 Albany Street (GPIN 8874850468)***

Mr. Page advised that there is an error in the staff report included in the agenda packet. He stated that the applicant is requesting a Conditional Business rezoning. He also informed Council of the new State Statute, which requires Council to have a signature by the applicant acknowledging any conditions included in approving the request before any vote is taken. Mr. Page explained the stated reason for this request is for “Two duplex dwellings for a total of 4 dwellings, and a commercial property to be used for offices, contractor’s office, or small retail establishment.”

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

Mr. J. Norman Thomas stepped forward to address Council. He stated that he is trying to get this property back to where it once was. Council Members asked Mr. Thomas if he would agree to the condition recommended by the Planning Board. Mr. Thomas said he would. Council Members asked Mr. Thomas if he would have any opposition to installing a taller fence, which would allow for more security. Mr. Thomas stated no opposition. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members and staff briefly discussed the conditions recommended by the Planning Board. Following the discussion, Mr. Thomas voluntarily consented to the conditions set forth. Council Member McClure made a motion that the application be approved with the following conditions:

- The parcel be considered Land Use Classification 3 for the purposes of future landscaping.
- A safety fence at least 4 feet in height be installed on the western property line.

He added that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: In accordance with Policies 2.2.1 and 5.1.1, and Strategies 4.3.1 and 5.2.1, this rezoning will permit additional density upon a lot in a walkable region of town. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

***b. Public Hearing: SUP1903 Cherry Charter School. Application by SH Alamance LLC for a Special Use Permit for an Elementary School located on Cherry Lane (GPIN 8894906303)***

Mr. Page read a notification received by the applicant rescinding their request for a Special Use Permit. Council Member Turner made a motion to have this request withdrawn, seconded by Council Member Wiggins. All voted in favor of the motion.

***c. Public Hearing: AM1905 Residential Rear Setbacks. Application by Rocky Long for an amendment to Residential Rear Setbacks, to reduce the setback requirement***

Mr. Page explained that Rocky Long has requested that the City amend the rear yard setback from 20 percent to 20 feet. He advised that the Planning Board made a recommendation to allow the applicant to abide by the 20 percent rule if they could prove that it was less than the 20 feet through a note to the area height and yard regulations as note 11. With no discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Rocky Long of 1867 Challenge Drive Graham stepped forward to address the Council. Mr. Long spoke of the setback requirements of surrounding municipalities. He expressed concern with the current 20 percent calculation. A general discussion between Council Members and Mr. Long ensued. 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 note to 10.245 to allow the applicant to request approval from the Planning Department for a 20 percent rear yard setback in lieu of the 20 foot requirement, that this text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Strategy 2.3.1, as well as Policy 4.3.1, recommends reducing setback requirements for residential lots. Council Member Wiggins seconded the motion and all voted in favor of the motion.

**First Reading of an Ordinance of the City Council of the City of Graham, Amending Various Sections Related to Boards and Commissions of the Code of Ordinances of the City of Graham, North Carolina:**

Mr. Maness explained that this is the first reading of an Ordinance that amends various sections of our Code of Ordinances that relates to Boards and Commissions. He stated that City of Graham Volunteer Boards and Commissions Task Force commenced a study of our Boards and Commissions in July. The task force has met on several occasions and have started to formulate recommendations. Among the first recommendations from the task force is an ordinance that provides general regulation of our Boards and Commissions. The task force identified that the City currently lacks a general ordinance to guide our boards and commissions leaving a requirement for specific legislation for each current and future board. It should be noted that the proposed general ordinance is silent to residency requirements, leaving residency requirements to specific ordinances. In addition, the general ordinance would allow for sub-committees such as the Hall of Fame Board in which the commission recommends being a function of the Recreation and Parks Commission rather than an independent board. Additionally, the Task Force has identified recommended amendments specific to other boards as outlined below:

- Tree Board: Amendments to increase membership to seven (7) total and establish a City Council liaison;
- Graham Historical Museum Advisory Board: Amendment to codify in our Ordinances the establishment of the Board and require members to be residents of the City. Previously ETJ members were allowed.
- Recreation and Parks Commission: Clarify there are seven (7) members and a City Council liaison. Clarify the voting eligibility of the liaison.

Council Members and staff briefly discussed the request. Mayor Pro Tem Kimrey asked about the establishment of subcommittees. Additionally, he expressed some concern with the section dealing with Voting, Advocacy, Monetary Interest. Mayor Peterman and Council Member Turner stated they are not in favor of term limits. Council Member Turner did state that he likes the idea of limiting the number of Boards or Commissions one can serve on at the same time. Council Member Wiggins referred to the Hall of Fame Board, which currently does require their members to stay off the Board for at least one year at the end of their term. She stated that this proposed language is an effort to keep things fresh and get new ideas on our Boards and Commissions. Council Member McClure questioned if we have enough interest at this time. Council Member Wiggins informed Council that the Task Force is also working on a procedures and guidelines manual for volunteers and staff to follow. With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor.

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

Dean Ward – 1143 Challenge Dr. Graham	Jan Searls – 526 E. Pine St. Graham
Tom Boney – The Alamance News	Nate Perry – 201 S. Maple St. Graham

With no further comments forthcoming, Mayor Peterman closed the public comment period.

Following a brief discussion about term limits and whether changes would be prospective or retrospective, Council Member McClure made a motion to approve the first reading of the Ordinance amending various sections related to boards and commissions of the Code of Ordinances of the City of Graham, North Carolina with the amendment to letter C that it changes from two to three consecutive full terms and that these Ordinances be prospective and not retrospective with their application. Council Member Wiggins seconded the motion. Ayes: Council Member McClure, Council Member Wiggins and Mayor Pro Tem Kimrey. Nays: Mayor Peterman and Council Member Turner. Motion failed to receive a supermajority vote required to pass on the first reading, therefore a second reading will be scheduled for the December 3, 2019 meeting.

**First Reading of an Ordinance of the City Council of the City of Graham, Amending CHAPTER 13- UTILITIES, ARTICLE II- CONNECTIONS of the Code of Ordinances to add language to establish a Cross Connection and Backflow Prevention Program:**

Mr. Holland explained that the purpose of this ordinance is to establish a backflow prevention program to protect our drinking water from pollution and/or contamination that can occur from backpressure or backsiphonage from non-potable sources. Other jurisdictions within the area have already taken the necessary steps to adopt the appropriate language including Mebane, which is a partner with our water treatment operations. City staff recognizes that without proper protection devices, cross-connections can occur that can contaminate and endanger the public water supply and staff does recommend approval.

Mayor Pro Tem Kimrey asked if the decision about what backflow preventer would be used and in what circumstance would be up to the Water Department Supervisor. Mr. Holland stated it would. Mr. Maness added that we have been practicing those types of prevention absent an Ordinance. With no further questions forthcoming, Mayor Peterman opened the discussion to the floor.



Mr. Scott Pickard of 101 Southwood Court Graham stepped forward to address the Council. With no further comments forthcoming, Mayor Peterman closed the public comment period.

Mayor Peterman made a motion to approve the Ordinance amendment to CHAPTER 13-UTILITIES, ARTICLE II- CONNECTIONS of the Code of Ordinances to add language to establish a Cross Connection and Backflow Prevention Program, seconded by Council Member Turner. All voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

**Issues Not on Tonight's Agenda:**

Mr. Holland informed everyone that the grand opening for the Powerup Arcade Bar will be held at 12:00 p.m. on Saturday, November 9, 2019.

Council Member Wiggins commended the Task Force members for their hard work.

Mr. Maness recognized Mayor Peterman and Downtown Development Coordinator Mary Faucette for their birthdays today.

Mayor Peterman reminded Council that the Graham High School Chorus' performance tomorrow morning at the Graham Civic Center.

At 9:54 p.m., Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk