# CITY OF GRAHAM SPECIAL SESSION THURSDAY, DECEMBER 12, 2019 8:00 A.M.

The City Council of the City of Graham met in special session at 8:00 a.m. on Thursday, December 12, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

## Council Members Present: Also Present:

Mayor Jerry Peterman Frankie Maness, City Manager

Mayor Pro Tem Chip Turner Aaron Holland, Assistant City Manager

Council Member Melody Wiggins

Council Member Jennifer Talley

Council Member Ricky Hall

Darcy Sperry, City Clerk

Bryan Coleman, City Attorney

Bob Ward, City Attorney

Mayor Jerry Peterman called the meeting to order and presided at 8:00 a.m. Council Member Ricky Hall gave the invocation and everyone stood to recite the Pledge of Allegiance.

## Consider Resolution Pursuant to N.C.G.S 14-234:

Mayor Peterman asked if anyone would like to recuse themselves. Council Member Jennifer Talley asked to be recused. Mayor Peterman made a motion to recuse Council Member Talley, seconded by Council Member Hall. All voted in favor of the motion.

City Attorney Bob Ward briefly addressed the Council and explained the reason for the proposed resolution. Following a brief discussion between Council Members and staff about the dollar amount included in the proposed resolution and how this resolution would only be in effect until the new census numbers come out, Mayor Peterman opened the discussion to the public.

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

Eric Crissman – 208 Albright Ave. Graham	Jon Sharpe – 105 Eastway Ln. Graham
Chuck Talley – 808 Sideview St. Graham	Elaine Murrin – 1213 Raspberry Run Graham
Jan Searls – 526 E. Pine St. Graham	Tom Boney – The Alamance News

With no further comments forthcoming, Mayor Peterman closed the discussion to the public.

Council Members and staff briefly addressed questions asked during the public comment period. Mayor Pro Tem Chip Turner asked about how the new census numbers affects purchasing from one of Council Member Talley's businesses. Mayor Peterman asked about the City's boot vouchers. Council Member Melody Wiggins expressed concern for the timing of this Special Meeting and the dollar amount included in the proposed resolution. Council Member Hall stated he was in favor of this resolution and thinks it is good for Graham.

City Manager Frankie Maness advised that this resolution is required in order for the City to purchase from a Council Member's business. He added that this resolution does not bind the City to buy from Council Member Talley's businesses, but it would give us the option.

He informed Council Members that the \$40,000 amount included in the resolution is the maximum per State Statute. Mr. Maness advised that the City spent approximately \$23,000 last year between Colonial Hardware and Farm Services.

With no further discussion forthcoming, Council Member Hall made a motion to accept the resolution as presented, seconded by Mayor Pro Tem Turner. Ayes: Council Member Hall, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Wiggins. Motion carried 3:1.

#### RESOLUTION AUTHORIZING CONTRACTS BETWEEN THE CITY OF GRAHAM AND VARIOUS BUSINESSES OWNED BY COUNCIL MEMBER JENNIFER TALLEY PURSUANT TO G.S. 14-234

WHEREAS, G.S. 14-234 prohibits a public officer from deriving a direct benefit from a contract unless authorized by specific resolution of the governing body of a city having a population of less than 15,000 according to the most recent official federal census;

WHEREAS, the most recent official federal census of 2010 established a population of 14,153 for the City of Graham; and

WHEREAS, the City of Graham has an existing business relationship with the following businesses owned by Council Member Jennifer Talley:

- Graham Cinema, LLC
- Colonial Hardware, LLC
- Farm Services, Inc.
- · Graham Soda Shop and Grill, LLC;

WHEREAS, Council Member Talley made a written request to the City Council on December 9, 2019, for consideration of a resolution pursuant to G.S. 14-234 to allow contracts with the City of Graham.

#### NOW, THEREFORE, BE IT RESOLVED by the Graham City Council that:

- The City, its Manager and employees are authorized to conduct business or enter into
  contracts with Graham Cinema, LLC, Colonial Hardware, LLC, Farm Services, Inc. and
  Graham Soda Shop and Grill, LLC in a manner and degree consistent with the past business
  practice up to an annual amount of purchases not to exceed \$40,000.00.
- The total amount of contracts pursuant to this resolution shall be specifically noted in the audited financial statements of the City of Graham.
- 3. The City Manager shall post in a conspicuous place in the lobby of City Hall the undertakings, or purchases of the City with Graham Cinema, LLC, Colonial Hardware, LLC, Farm Services, Inc. and Graham Soda Shop and Grill, LLC within at least the last twelve months with such a listing to be updated at least quarterly.

Adopted this 12th day of December 2019.

Council Member Talley returned to the bench.

At 8:41 a.m., Mayor Pro Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.