

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 11, 2020
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, February 11, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Chip Turner
Council Member Melody Wiggins
Council Member Jennifer Talley
Council Member Ricky Hall

Staff Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Nathan Page, Planning Director
Brian Faucette, Recreation & Parks Director
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mrs. Tamara Kersey, Assistant Pastor of Wayman Chapel A.M.E. Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

Honorary Proclamations:

- *Allen Maness – Proclamation of Commendation and Appreciation for 30 years 1 month of service to the City of Graham*

Mayor Peterman presented Mr. Allen Maness with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Maness thanked everyone.

- *Jimmy Aiken – Proclamation of Commendation and Appreciation for 25 years 4 months of service to the City of Graham*

Mayor Peterman presented Mr. Jimmy Aiken with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Aiken thanked everyone.

Consent Agenda:

- a. *Approve Minutes – January 13, 2020 Special Session*
- b. *Approve Minutes – January 14, 2020 Regular Session*
- c. *Approve Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
FEBRUARY				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
11892	2019	KEYSTONE GROUP INC	QUALIFIED FOR BID EXEMPTION	840.87
151658	2019	MOSER, SUZANNE YARBOROUGH	QUALIFIED FOR HOMESTEAD EXEMPTION	266.83
647389	16-19	BLACK, THOMAS S	DOES NOT LIVE IN CITY LIMITS OF GRAHAM	6.04

CITY OF GRAHAM REFUNDS				
FEBRUARY				
ACCT #	YEAR	NAME	REASON FOR REFUND	REFUND AMOUNT
23705	2019	APPLE, KAY MCGEE	QUALIFIED FOR HOMESTEAD EXEMPTION	298.22
549630	2019	STEWART, PEARL L	QUALIFIED FOR HOMESTEAD EXEMPTION	113.75

d. Approve Tax Collector's Mid-Year Report

City of Graham			
P. O. Drawer 357 201 South Main Street Graham, North Carolina 27253 (336) 570-6700 / Fax: (336) 570-6703			
MID YEAR REPORT			
February 4, 2020			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,124,188,270	0.455%	5,115,058.00
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	1,605,766		7,306.23
<u>ANNEXATIONS:</u>			
<u>ABATEMENTS:</u>	(4,111,560)		(18,707.69)
CURRENT LEVY	1,121,682,476		5,103,656.54
OUTSTANDING REAL PROPERTY TAXES:			204,995.94
OUTSTANDING PERSONAL PROPERTY TAXES:			56,692.90
TOTAL OUTSTANDING TAXES			261,695.84
CURRENT YEAR TAXES COLLECTED:			4,841,960.70
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			94.87%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 19, 2020 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			

- e. *Approve Amendments to the City of Graham Traffic Schedule*
- f. *Approve the street closure request by Brian Faucette for the 100 blocks of East and West Elm Street on June 20, 2020 from 1:00 p.m. – 9:00 p.m. for the annual Slice of Summer event. Alternative date June 27, 2020*
- g. *Approve the street closure request by Brian Faucette for the 100 blocks of East and West Elm Street on October 30, 2020 from 2:00 p.m. – 10:30 p.m. for the annual Pumpkin Bash event. Alternative date November 6, 2020*
- h. *Approve the street closure request by Brian Faucette for the 100 block of West Elm Street on May 28th, June 25th, July 23rd, August 27th, September 10th and September 24th from 5:00 p.m. – 11:30 p.m. for the 2020 Thursdays at Seven Concert Series. Alternative dates in 2020: June 2, 4, 9, 11, 16, 18, 23, 30; July 2, 7, 9, 14, 16, 21, 28, 30; August 4, 6, 11, 13, 18, 20, 25; September 1, 3, 8, 15, 17, 22, 29; October 1, 6, 8*
- i. *Approve the street closure request by Shari Kumiega, of Together Community Events for the 100 block of West Elm Street and the adjacent parking lot off of West Elm Street on Saturday, June 13, 2020 from 1:00 p.m. – 9:00 p.m. for the Graham Food Truck Rodeo with the following conditions:*
 - *Provide a Certificate of Liability insurance meeting all City requirements*
 - *Schedule public safety personnel following the Extra Duty Solutions process*
- j. *Approve the street closure request by Culture Mill to close the 100 block of West Elm Street on May 29, 2020 from 5:00 p.m. – 11:00 p.m. for the Bal Populaire event with the following conditions:*
 - *Provide a Certificate of Liability insurance meeting all City requirements*
 - *Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull items “f”, “g”, “h”, “i” and “j”.

Council Member Melody Wiggins made a motion to approve items “a”, “b”, “c”, “d” and “e” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

Council Member Talley expressed concern with business owners not being notified of potential street closures prior to Council approval. Recreation and Parks Director Brian Faucette informed Council Members that the times requested this year are actually shorter than times requested in the past. He stated that he believed that the Recreation Department had informed the area businesses that the request was forthcoming. Mr. Tom Boney of the Alamance News stepped forward and stated that his business had not been notified. Mr. Faucette advised that his department will notify all affected businesses immediately and in the future, will begin notifying them prior to the request coming before Council.

With no further comments forthcoming, Council Member Wiggins made a motion to approve item “f” on the Consent Agenda, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Council Member Wiggins made a motion to approve item “g” on the Consent Agenda, seconded by Council Member Ricky Hall. All voted in favor of the motion.

Council Member Hall made a motion to approve item “h” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Hall made a motion to approve item “i” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Hall made a motion to approve item “j” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Utility Payment Policy Discussion

Council Member Talley explained that a resident had brought to her attention that the relay on their water meter had become inoperable. She added that the City made the repair and charged the resident approximately \$1800-\$1900. She stated that she believes the current Utility Payment Policy is not a good policy. The City’s current policy states ‘Billing undercharges and omissions will be billed retroactively up to three (3) years when service use and/or availability can be determined and quantified’. Council Member Talley thinks the City needs to do a better job identifying and notifying customers of issues. She referenced the City of Burlington and the City of Mebane’s policies when asking Council to instruct the City Manager to change the policy.

Mayor Peterman stated that he believes the current policy is fine, but does believe that we need to find a more efficient way of identifying problems. Council Member Wiggins agreed with Mayor Peterman, adding that she would like to see the current procedure employees used addressed. Mayor Pro Tem Turner agreed with addressing employee procedure but also stated that he believes going back three years is a little steep. Council Member Talley reiterated her wish to have the policy changed. Council Member Wiggins made a motion to instruct the City Manager to look into the policy and see if he can assist us with that, not only the policy of what happens when they come in the front door, but take a look at other policies and see if we can get in line with those. Before Mayor Peterman asked for a second, he wanted to give the customer who had been back billed the opportunity to speak.

Mr. Billy Warren and Mrs. Karen Warren of 640 Wendy Drive Graham stepped forward to address this agenda item with Council Members. Following a discussion between the Warren’s and Council Members, Council Member Wiggins asked to amend her motion. She motioned to not only have the City Manager and the staff look into the policy itself, but also look into this gentleman and anyone else that has this issue, look into their concerns about their payments and what they are paying. Mayor Pro Tem Turner seconded the motion. Prior to the vote, Mayor Peterman asked for clarification. Council Member Wiggins stated that we have to go back and review the policy and if we have an issue like this where we know we have something this egregious, we need to correct that situation at this point. She added that if they have a \$1600 bill, then we need to fix it. All voted in favor of the motion.

b. Downtown Master Plan Discussion

Council Member Talley inquired as to what the next steps are to work on items Council Members have commented on that they would like to see changed in the plan. Mayor Peterman asked City Clerk Darcy Sperry to send out a Doodle Poll to see if we can find a date and time to meet before

next month's City Council meeting. Council Member Wiggins objected. She stated that no one on Council is an engineer and if you start playing with this plan, you are going to take away something you should not be messing with. Council Member Wiggins made a motion to instruct the staff to develop an RFP for review by the Council for an update and review of the current plan or parts thereof. Mayor Peterman stated that he would still like for the Doodle Poll to be done and then called for a second on Council Member Wiggins motion. The motion failed to get a second and therefore dies.

Recommendations from Planning Board:

a. Public Hearing: Reserve on 54 (CR2001). Application by Brandon Martin for rezoning property from R-12 to Conditional Residential (C-R) for 37 townhomes on Sunset Drive (GPIN 8884809576)

Planning Director Nathan Page informed Council Members that the Planning Board had tabled this item. Staff recommends Council table this item as well and discuss it at next month's meeting. Council Member Hall made a motion to table this item, seconded by Mayor Peterman. All voted in favor of the motion.

b. Valor Ridge (S2001). Application by David Michaels for subdivision of R-12 lots. Application for 114 lots on Parham Drive and Wildwood Lane (various GPIN's including 8883100157)

Mr. Page explained this is a request to subdivide the approximately 52 acres of the subject property for up to 114 single-family residential lots. He added the Technical Review Committee reviewed the application and provided comments to the applicant via the Planning Director. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, but they do not affect the number of proposed lots, nor the access points from Wildwood Ln. or Parham Dr. The Planning Board recommends approval.

Following a discussion between Council Members and staff regarding zoning, open space, potential annexation and street engineering, Mayor Peterman opened the discussion to the applicant. Mr. David Michaels of 5603 New Garden Village Road Greensboro and the developer for this project, stepped forward and fielded questions from Council Members. Mr. Michaels stated that it his intent to bring this property into the City limits and that he feels this request is consistent with the City's ordinance. He added that the final plat will not have more than 109 lots. Council Member Talley expressed concern with approving a plan that may be changed, as well as, expressed concern with voting on this request, when she did not vote nor support the previous Council's rezoning approval.

With no further questions forthcoming, Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that the following supports this recommendation: Allowing a subdivision in this location removes households from the potential harm from floodways (Policy 4.3.1), and protects greenspace (3.2.4) and promotes a greenway trail system (4.2.1). Mayor Peterman seconded the motion. Ayes: Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

c. Public Hearing: Text Amendment Planning Board Meeting Times (AM2001): An amendment to the existing Planning Board meeting date Ordinance, and to set voting for officers at the meeting following appointments

Mr. Page explained that with the City Council changing their meeting time to the second Tuesday of the Month, staff recommends the Planning Board move their meeting to the fourth Tuesday of the month and reserve flexibility to change the date at some point in the future through notice and vote of the Planning Board.

Council Members and staff briefly discussed the language presented. Council Member Talley expressed concern with the proposed language included in Sections 10.18 and 10.20 of the Development Ordinance. City Attorney Bryan Coleman reviewed the proposed language and agreed with it as proposed. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Ms. Patty Allen of 265 West Shannon Drive stepped forward to address this agenda item with Council Members. A brief discussion regarding public notice between Ms. Allen, Council Members and staff ensued. Mr. Page referred to the State Statute concerning notification requirements and reminded everyone that the public notice is not for the Planning Board meeting, but rather the City Council meeting. Mr. Page proposed raising the fee for a rezoning, allowing two notices to be sent. One notice to adjacent property owners would state the time for the Planning Board meeting while the other would inform them of the City Council meeting. With no further discussion forthcoming, Mayor Peterman closed the Public Hearing.

City Attorney Bob Ward advised Council that they could approve part of this request or send it back to the Planning Board. He added that Council Member Hall made a motion that we send this back to the Planning Board with our comments and with Mr. Page's amendments to what they put forth and for them to revise it and send it back to us. Mayor Pro Tem Chip Turner seconded the motion and all voted in favor of the motion.

Boards & Commissions Appointments:

a. Appearance Commission (1 vacancy: expires 2021):

Ms. Stephanie Ruiz, Ms. Sarah Barham and Mr. William Copeland expressed their desire to be appointed to this Commission. Council Member Talley recommended Mr. Copeland, seconded by Council Member Hall. Council Member Wiggins recommended Ms. Stephanie Ruiz, seconded by Mayor Peterman. Mayor Pro Tem Turner supported Council Member Wiggins recommendation. By a majority vote, Ms. Ruiz was appointed to fulfill a term to expire on June 30, 2021.

b. Tree Board (1 vacancy: expires 2022):

Council Member Hall recommended Ms. Jada Fox for appointment, seconded by Council Member Wiggins. All voted in favor of the recommendation and Ms. Fox was appointed to fulfill a term to expire on June 30, 2022.

Issues Not on Tonight's Agenda:

Mr. Maness reminded everyone about the upcoming Census.

Council Member Talley inquired as to the status of the bike lanes on Pine Street. Mayor Peterman and Mr. Maness advised that there has been a resolution to the bike lanes. Mr. Maness explained that authorization has been given. He informed Council that due to the thermoplastic marking paint used, they cannot be re-stripped until we have warmer weather. Council Member Talley expressed concern with having to wait for warmer weather.

Council Member Talley indicated that she would like to have those individuals who put on events, along with Police Chief Jeff Prichard, be at the March meeting to discuss the EDS process.

Council Member Talley asked Mr. Paul Crotts to step forward and talk about an issue he is having with trash pickup. Mr. Crotts of Graham Furniture stepped forward to address the Council. Mr. Crotts expressed concern for receiving water bills that included surplus garbage charges. He stated that with his business, he has mattress bags that he fills with styrofoam. The City is saying that it is surplus garbage and charging him for picking it up. Council Member Talley expressed concern downtown businesses had never been charged a fee for bulk trash pickup until recently. Mr. Maness explained bulk versus containerized pickup. He stated that it is up to each business to determine how many containers they need. He reminded everyone that the City's Fee Schedule is based on volume and not weight. Council Member Talley stated that the rate schedule that the City Council set back in July, no word or utterance was made that you were charging the downtown residents and change for the businesses from a trip fee to a per unit fee. Council Member Talley alleged that someone changed language in the Fee Schedule from per month to per unit per month, without Council's knowledge. Mayor Peterman asked staff to look into this and report back to Council next month. He asked that staff look into the bulk rate being charged to Mr. Crotts as well.

Council Member Hall stated that residents along Greenview Drive have asked him to have the City conduct a traffic study and make the intersections at Greenview Drive and Pepperstone Drive, Chartwell Lane and Pepperstone Drive and Covington Loop and Pepperstone Drive all way stops. Mayor Peterman asked staff to look into that.

Council Member Wiggins informed everyone that on Monday, February 17, 2020, the Historical Museum will have an open house in conjunction with the public school system.

Mayor Peterman made a motion that the Public Hearing for the Reserve on 54, tabled earlier in this meeting, will be March 10, 2020, seconded by Council Member Hall. All voted in favor of the motion.

Downtown Development Coordinator Mary Faucette announced the opening of new downtown businesses C&Z Grill and The Muse.

At 9:02 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk