

**CITY OF GRAHAM
SPECIAL SESSION
WEDNESDAY, SEPTEMBER 18, 2019
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Wednesday, September 18, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Council Members Absent:

Mayor Jerry Peterman & Council Member Chip Turner

Mayor Pro Tem Lee Kimrey called the meeting to order and presided at 6:00 p.m. Council Member Melody Wiggins gave the invocation and everyone stood to recite the Pledge of Allegiance.

Old Business:***a. Downtown Master Plan:******i. Adopt Downtown Master Plan***

Mayor Pro Tem Kimrey disclosed that since the last meeting, he has acquired additional property in the downtown area. He stated that he reached out to the State Ethics Committee as well as the North Carolina School of Government for advice. Based on advice received, he does not feel that a conflict of interest exists. Consensus was given that Mayor Pro Tem Kimrey would not have to be recused.

Mayor Pro Tem Kimrey briefly spoke of the large number of different concepts within the proposed Downtown Master Plan. He stated the he understands how difficult it is to evaluate this plan as a whole. For that reason, he suggested that we take a step back and look at what started this whole process. He stated that early on, we identified the need for water and sewer improvement in our downtown. He asked Council Member Griffin McClure and Council Member Wiggins if they objected to pulling water and sewer infrastructure from this plan and handle this plan one component at a time. Council Member McClure objected and stated that he would like to treat the plan as a whole as it was presented. Council Member Wiggins stated that she believed it to be fair to pick out the water and sewer, adding that is where we started and has been the main intent for the plan. Mayor Pro Tem Kimrey stated that he has heard from members of the community and thinks that due to the several various concepts included in this proposed plan, it might be beneficial to work on one component at a time. Council Member McClure again stated his desire that the entire plan be open for discussion, but added that he would support the consensus of this Council.

Mayor Pro Tem asked City Manager Frankie Maness to speak on the downtown water and sewer in the downtown area. Mr. Maness briefly spoke of discussions that began approximately two years ago with regard to older water and sewer infrastructure. He spoke of the released NCDOT paving schedule and how that sped up those discussions.

Mr. Maness advised that he believes that this proposed plan allows for water and sewer to be pulled and treated by itself to an extent. After speaking of how water and sewer affects the downtown area, Mr. Maness stated that with approval tonight to move forward with water and sewer infrastructure improvements, the next step in the process would be for preliminary engineering and then move onto design engineering. He anticipates that process could take approximately 12-18 months.

In response to questions asked by Council, Mr. Maness spoke about NCDOT's paving timeframe, water and sewer infrastructure, staff's support with the proposed water and sewer infrastructure upgrades, cost to taxpayers for water and sewer upgrades after paving, fire suppression, the incentive program for fire suppression, economic development and stormwater runoff in the downtown area. Mayor Pro Tem Kimrey opened the discussion to the floor.

The following individuals stepped forward to address the Downtown Master Plan with Council Members:

Barry Coe – 214 W. Marshall St. Graham	Rick Irby - Graham
Nate Perry – 201 S. Maple St. Graham	Todd Smith – 110 S. Maple St. Graham
Ben Barnhill – 404 Forest Dr. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Paul Keller – 410 Stonehedge Dr. Graham	Scott Pickard – 101 Southwood Ct. Graham
Ronnie Isley – 510 Mendel Ter. Graham	Jay Martin – 405 Ivey Rd. Graham
Gary Stewart – 639 Dixon Rd. Graham	Fred Sternberg – 38 SW Ct. Sq. Graham
Jack Williams – 602 Ward St. Graham	George Adams – 211 Marshall St. Graham
Adam Miller – 202 N. Main St. Graham	Wendy Terrell – 17 SE Ct. Sq. Graham
Leslie Brown – 425 Banks St. Graham	Judy Ward – 483 W. Moore St. Graham

With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to approve water and sewer and take the remaining part of the plan and table it for now. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Kimrey called for a two minute recess. Following the recess, Mayor Pro Tem Kimrey reconvened the regular meeting.

b. Second Reading: Ordinance Amendment to CHAPTER 18- STEETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV- EXCAVATION PERMIT of the Code of Ordinances to amend the requirements and permitting process for excavation in the City Right-of-Way

i. Approve Ordinance Amendment

Assistant City Manager Aaron Holland reminded Council that at the last meeting, Council asked to have staff look into the language being proposed. Mr. Holland advised that staff looked at language from other jurisdictions and recommends keeping the proposed language presented.

Council Members and staff briefly discussed eliminating the specifics in the language proposed, allowing flexibility and discretion by staff. Mayor Pro Tem Kimrey opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Members briefly discussed a proposed motion with Mayor Pro Tem Kimrey stating the language he proposes reads as follows: No person shall make any excavation or opening in any street, sidewalk or other public space, unless a written permission therefor has been issued by the City by authority of the city manager, provided that a permit shall not be required where such work is performed under a contract with the city, but in the event that it becomes necessary to such work that a sidewalk or street must be wholly or partially obstructed, the person shall notify the Inspections, Public Works, Police and Fire departments at least two hours before obstructing the sidewalk or street, unless prevented by a sudden emergency.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to approve the Ordinance amendment to CHAPTER 18- STEETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV- EXCAVATION PERMIT of the Code of Ordinances to amend the requirements and permitting process for excavation in the City Right-of-Way with the amended language discussed here in the minutes. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Requests and Petitions from Citizens:

a. Request from Janee' Farrar to amend the fee for Temporary Outdoor Sales from \$25 to \$0 for food trucks on private property

Planning Director Nathan Page explained that this request is to amend the fee for Temporary Outdoor Sales on private property. Mr. Page advised that Council could choose to add the fee into a future City Fee Schedule if Council saw fit to do so.

Council Members and staff briefly discussed Temporary Outdoor Sales on both private and public property. Among items discussed were liability insurance, what the current fee covers and the possibility of eliminating the fee for all Temporary Outdoor Sales while still requiring a permit.

Ms. Janee' Farrar of 141 West Harden Street Graham stepped forward to address Council. She stated that food trucks have generated an increase in sales at her business and in turn, generate more tax dollars that go directly back to the City of Graham. Council Member McClure asked Ms. Farrar to describe the permit process. She stated that she fills out the permit and submits it to the Planning Department.

Mr. Coe stepped forward and encouraged Council to remove the fee for all Temporary Outdoor Sales.

Mr. Irby stepped forward and stated that he believes there may be a conflict with private versus public property. He expressed his support for no fee for private property.

Ms. Janet Ecklebarger of 604 Washington Street Graham stepped forward and stated that she thinks the permit process for the City is confusing.

Ms. Jeanie Irby stepped forward and expressed her support for this request.

With no further discussion forthcoming, Council Member Wiggins made a motion to amend the permit fee to \$0 for Temporary Outdoor Sales on private property, seconded by Council Member McClure. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Mr. Dean Coleman of 2839 Rogers Road Graham stepped forward and expressed concern with the amount of traffic on Rogers Road. He also expressed concern with the increase in housing developments along Rogers Road and the impact that has on the school system. Mr. Coleman encouraged the City to do something and suggested more bike trails and greenways along Rogers Road. Mr. Maness advised that Rogers Road is maintained by NCDOT. He added that there is development pressure on Rogers Road and development is only going to increase. Mr. Maness advised that the City is aware of speeding concerns and increased enforcement efforts along that road have taken place.

Council Member Wiggins stated that while we are in the process of doing our Recreation Master Plan, we need to be concerned with greenways and buffers along our streams and hopes that we continue to look at that. She also recognized Mr. Coleman for his work done in the recreation field and informed everyone that he served as President of the North Carolina Recreation & Parks Association (NCRP) for several years. Council Member Wiggins thanked Mr. Coleman for his help with various projects throughout the City of Graham. She also recognized Graham Recreation & Parks employee Kris Kloepping who recently received the Young Professional Award through the NCRP Association.

Council Member McClure stated his thoughts are with Mayor Jerry Peterman and Council Member Chip Turner.

At 8:10 p.m., Council Member Wiggins made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk