

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JANUARY 3, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, January 3, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Sandra King, Finance Director
Becky Loy, Cobb Ezekiel Loy & Company

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

Mayor Peterman recognized Ms. Tammy Harton & Kiya Gordon from the “Give a Child a Smile” program. Council Members and members of the audience made personal donations to the program, which raises awareness to stop child abuse.

Consent Agenda:

- a. Approval of Minutes – December 6, 2016 Regular Session*
- b. Appoint Debarah Wilson to Tree Board*

Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

- a. “Welcome to Graham” Sign*
 - i. Approve Budget Amendment*

Assistant City Manager Aaron Holland explained that per Council’s request at last month’s Council meeting, staff has proceeded with the design process for constructing a “Welcome to Graham” sign on City owned property located at the corner of Highway 54 and Cooper Road. Mr. Holland added that no funds were appropriated for the proposed sign in the current FY 2016-17 budget. A budget amendment is required to increase total General Fund expenditures by \$20,000 for FY 2016-2017.

Council Members and staff discussed the construction timeline, size, building materials, lighting, location and cost of this proposed sign. City Manager Frankie Maness advised that funds for this sign would come from the Fund Balance.

Council Member Lee Kimrey expressed concern with regards to the overall cost and scale of the proposed sign. He stated that he believes we can make a bigger impact by putting the sign somewhere else – specifically along the I40/I85 corridor.

Mayor Peterman explained that at last month's meeting, Council directed staff to work on putting together a 3-5 year plan for constructing gateway signs throughout the City.

With no further discussion forthcoming, Council Member McClure made a motion to approve the 2016-2017 Budget Ordinance Amendment to provide \$20,000 in funding for the proposed "Welcome to Graham" sign, seconded by Mayor Pro Tem Jimmy Linens. Ayes: Council Member McClure, Mayor Pro Tem Linens, Mayor Peterman and Council Member Turner. Nays: Council Member Kimrey. Motion carried 4:1.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2016 - 2017 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures			
	APPROVED	AMENDED	DIFFERENCE
10-6600-7300 Capital Outlay Improvements	0	20,000	20,000
Section 2: General Fund Revenues			
10-3900-0000 Fund Balance	907,000	927,000	20,000

This the 3rd day of January, 2017.

Requests and Petitions of Citizens:

- a. *Public Hearing: Petition for Voluntary Contiguous Annexation at Jimmie Kerr Road (AN1603)*
 - i. *Approve Annexation Ordinance*

Assistant City Manager Aaron Holland explained that the annexation process has multiple steps and this is the final step in annexing property that belongs to Alamance Community College (ACC), located at 1247 Jimmie Kerr Road (29.74 acres) into the City of Graham.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Turner made a motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for the property at Jimmie Kerr Road, seconded by Council Member Kimrey. All voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR PROPERTY ON JIMMIE KERR ROAD

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below;
and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on January 3, 2017, after due notice by publication on December 22, 2016; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of January 3, 2017:

Lying and being in the County of Alamance and being currently known as a portion PID 152801 and all of PID 152800 and being the same parcels as conveyed to Alamance Community college by Deed Book 549 Page 313, Deed Book 709 Page 712 and Deed Book 849 Page 125 and being more particularly described as follows to wit:

Commencing at NCGS Monument "HESS" bearing NC Grid coordinates of N:844,225.05 and E:1,895,704.03 and running thence S 36°02'03"W 2631.85' to a found ½" iron pipe with said iron pipe being the Point Of Beginning and being located in the southern line of the property of Alamance Community College recorded in Deed Book 512 Page 132 and the current line of the City of Graham as represented on the Alamance County GIS system, and bearing NC Grid Coordinates of N:842,096.86 and E:1,894,155.87, said iron also marking the western edge of a 60' Right of Way of Jimmie Kerr Road; thence leaving said Point of Beginning S68°46'57"E 30.05' to a point in the center of Jimmie Kerr Road (S.R.1928); thence along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S06°08'32"W 298.00' and a radius of 739.71' to a point, said point also marking the northeast corner of the property of Alamance Community College recorded in Deed Book 709 Page 712 and Map Book 42 Page 188; thence continuing along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S09°35'48"E 105.19' and a radius of 733.84' to a point; thence S13°42'01"E 97.82' to a point; thence leaving said center of road N76°01'21"W 33.62' to a found ½" pinch iron pipe located in the western edge of the 60' right of way of Jimmie Kerr Road, thence continuing along the western right of way edge of said road S13°47'02"E 76.16' to a point, thence along a curve to the right having a chord bearing and distance of S04°43'03"W 203.22' and a radius of 649.14' to a point, thence along a curve to the right having a chord bearing and distance of S12°11'05"W 193.67' and a radius of 705.41' to a found ½" iron pipe marking the southeast corner of the property of Alamance Community College recorded in Deed Book 849 Page 125 and Map Book 49

Page 15 and bearing NC Grid coordinates of N:841,133.31 and E:1,894,154.06; thence leaving the western edge of said right of way and running along a common line with the property of David K. Naylor 2014 Trust described in Deed Book 3369 Page 927 N78°45'04"W the following 5 distances, 252.47' to a found ½" iron pipe, thence 159.55' to a found ½" pinch iron pipe, thence 285.24' to a found ½" pinch iron pipe, thence 749.69' to a found ½" pinch iron pipe bearing NC Grid coordinates of N:841,415.54 and E:1,892,734.99 and continuing 30.00' to a point located at the top of bank of the Haw River, the south west corner of the property described in Deed Book 849 Page 125 and Map Book 49 page 15, thence with the top of bank of the Haw River the following 7 calls; N25°32'35"E 123.27' to a point, thence N27°42'05"E 349.16' to a point, thence N24°46'11"E 64.97' to a point, thence N24°55'54"E 186.30' to a point, thence N24°55'49"E 49.96' to a point, thence N25°15'09"E 343.05' to a point, thence N18°18'54"E 42.01' to a point being the north west corner of the property described in Deed Book 549 Page 313, thence leaving the bank of the Haw River and running with the northern line of Deed Book 549 Page 313 and the current line of the Corporate Limits of the City of Graham as currently represented in the Alamance County GIS system S68°46'57"E the following 3 distances; 29.82' to a found ½" iron pipe bearing NC Grid coordinates of N:842,454.31 and E:1,893,235.18, thence 785.46' to a found ¾" pinch top pipe, thence 202.23' to a found ½" iron pipe and being the Point and Place of Beginning and containing 29.74 Acres+/- as shown on a plat prepared by John P. Scoville III, PLS L-3343 of ESP Associates, P.A., dated September 2nd 2016 and bearing ESP Project Number ET07.800.

Issues Not on Tonight's Agenda (Public):

Mr. Robert Trahan, 713 New Street Graham, expressed concern with basketball being played in the street in his neighborhood. Mr. Maness advised that he will ask staff to address this issue.

Mr. Larry Ray, 609 Walker Avenue Graham, expressed concern over the tethering of a dog in his neighborhood. Mr. Maness advised that he will ask staff to investigate.

Audit Presentation:

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City's audit report for Fiscal Year 2015-2016. Ms. Rhodes stated that this is the second year in which her firm has done the audit and spoke favorably about the arrangement that the City maintains with Becky Loy of Cobb Ezekiel Loy & Company. She further stated that all operating funds yielded a surplus for the year, no findings were found and the City received an unmodified opinion – the cleanest and best opinion one can receive. Ms. Rhodes added that there were no difficulties or disagreements with management during this audit.

Mayor Peterman noted that this is the third year in a row in which all three operating funds have been in the "black" and asked Mr. Maness to pass along Council's thank you and appreciation to staff for all of their hard work. He thanked the staff of Stout Stuart McGowen & King, LLP for their work as well.

Council Member Kimrey inquired with Mr. Maness about the City's projected operational cost of \$90,000 for the animal shelter. He asked Mr. Maness to confirm that the City has not been asked to contribute any money towards the cost of building the new animal shelter and Mr. Maness confirmed that to be the case.

Issues Not on Tonight's Agenda (Council & Staff):

Mr. Maness asked that we remember the family of the late Rex Moser.

Mayor Peterman asked that we remember the family of the late Bobby James and Ms. Nell Clapp.

Council Member McClure advised that the Graham Area Business Association raised over \$11,000 that will be used towards purchasing new Christmas decorations for the City.

Mayor Peterman stated that going forward, requests from citizens to speak about fundraising, be heard under the Issues Not on Tonight's Agenda portion of the meeting.

At 7:55 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 7, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 7, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

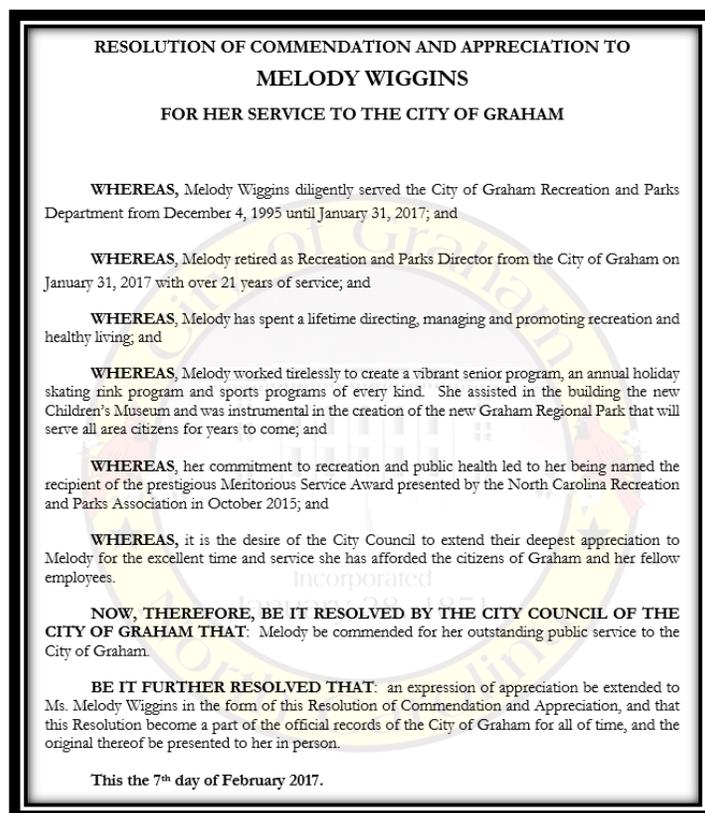
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Brian Faucette, Recreation & Parks Director
Jeff Prichard, Police Chief

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

Honorary Resolution:

- *Melody Wiggins – Resolution of Commendation and Appreciation for 21 years 2 months service to the City of Graham*

Mayor Peterman presented Ms. Melody Wiggins with a Resolution of Commendation and Appreciation and a gift from the City. He thanked Ms. Wiggins for her dedication to Graham. Ms. Wiggins thanked everyone for their trust in her and support throughout the years.



Consent Agenda:

- a. *Approval of Minutes – January 3, 2017 Regular Session*
- b. *Approval of Amended Minutes – January 5, 2016 Regular Session*
- c. *Tax Releases and Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

FEBRUARY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
140579	2016	FRANK LEE TINNIN	BOAT WAS DOUBLE LISTED	124.67
597522	2016	JOSHUA ALLEN KELLY	SOLD BOAT IN 2012	3.81

**CITY OF GRAHAM
REFUNDS**

FEBRUARY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
623417	2016	BARBARA A COUSINS	QUALIFIED FOR HOMESTEAD EXEMPTION	429.00
597522	2016	JOSHUA ALLEN KELLY	SOLD BOAT IN 2012	1.48
140579	2015	FRANK LEE TINNIN	DOUBLE BILLED FOR BOAT	124.67

d. Tax Collector's Mid-Year Report

City of Graham			
P.O. Drawer 357 201 South Main Street Graham, North Carolina 27253 Tel: (336) 570-6700 / Fax: (336) 570-6703			
MID YEAR REPORT			
January 30, 2017			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	987,369,158	0.455%	4,492,531.77
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	760,911		3,462.13
<u>ANNEXATIONS:</u>	140,618		426.53
<u>ABATEMENTS:</u>	(1,347,989)		(6,515.09)
CURRENT LEVY	986,922,698		4,489,905.34
OUTSTANDING REAL PROPERTY TAXES:			319,092.62
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>19,170.03</u>
TOTAL OUTSTANDING TAXES			338,262.65
CURRENT YEAR TAXES COLLECTED:			4,151,642.69
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			92.47%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 16, 2017 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. Tax Collector's Debt Set-Off Report

f. Recommend the Alamance County Board of Commissioners appoint Barry Hicks to fill the Extra Territorial Jurisdiction (ETJ) vacancy on the Graham Planning Board and Board of Adjustment

g. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP

Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Recommendations from Planning Board:

a. Public Hearing: S. Main B-2 (RZ1607). Request by Jonathan Zachary to rezone property located at 918 S. Main Street from R-MF Residential District (multi-family) to B-2 General Business District

Assistant City Manager Aaron Holland explained that this is a request by Mr. Jonathan Zachary to rezone the rear portion of the property located at 918 S. Main Street from Residential Multi-Family to General Business. Mr. Holland reminded Council that in 2013, Council approved a rezoning request to changing the front portion of the property from R-12 to B-2.

Following a brief discussion between Council Members and Staff with regards to transitional buffer areas between business and residential development, Mayor Peterman opened the Public Hearing.

Mr. Zachary of 707 N. Wilba Road Mebane, stepped forward to address Council. Mr. Zachary stated that he has been unable to sell this property since 2010. He stated that the current split zoning is not appealing to potential buyers. He and his family believe the property would be more marketable if it were all zoned B-2.

Ms. Robin Hendricks stepped forward to speak on behalf of Mr. Zachary. She asked Council to look at the zoning for other parcels close to this property and the lack of a transitional area. Council advised that this is why our current Comprehensive Plan emphasizes a buffer, as it wasn't always done in the past.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed that zoning this property Office and Institutional might be an option for Mr. Zachary. Mayor Pro Tem Linens expressed concern that by not approving Mr. Zachary's request for B-2 zoning, Council is adding to the family's difficulty of selling the property. He stated that he feels the City should be willing to help the family. Council Members asked Mr. Zachary if he would consider O-I and after discussing it with family members in attendance, he advised that he still thinks it would be difficult to sell the property with the limits O-I would entail.

Mayor Pro Tem Linens made a motion that the application be approved and that the application is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Lee Kimrey. Ayes: Mayor Pro Tem Linens, Council Member Kimrey, Council Member Griffin McClure and Council Member Turner. Nays: Mayor Peterman. Motion carried 4:1.

b. Public Hearing: Longdale Residential (RZ1608). Request by Joe Sizemore to rezone property located on Longdale Drive from R-18/R-12 Residential (low/medium density) to R-9 Residential (high density)

Mr. Holland explained that this is a request by Mr. Joe Sizemore to rezone 34.8 acres of split zoned property located on Longdale Drive from R18/R12 to R-9. He added that the property is currently vacant and wooded and water and sewer services are available.

Council Members and Staff discussed the topography of this property as well as possible connectivity issues with the western portion of this property. Mr. Holland advised that a portion of this property is within the City limits, with the remainder of the parcel being in the ETJ (Extra Territorial Jurisdiction). Mayor Peterman opened the Public Hearing.

Mr. Larry Carroll of Keller Williams and Mr. Joe Sizemore of 5648 Mt. Hermon Rock Creek Road Snow Camp stepped forward to address Council. Mr. Carroll advised that Mr. Sizemore does have a potential buyer for this property and that buyer has plans to develop the portion within the City limits. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved, that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It extends our tax base in an area that has already been planned for residential development. Council Member Turner seconded the motion and all voted in favor of the motion.

c. Public Hearing: PB Residency (AM1622). Request by City Council to require members of the Planning Board to reside within the corporate limits of Graham N.C.

Assistant City Manager Aaron Holland explained that at last month's Council meeting, Council asked Staff to look into adding a residency requirement for Planning Board members to the Development Ordinance that would mirror that of the Board of Adjustment. Staff is proposing the following amendment to the Ordinance:

There is hereby created a planning board, referred to in this article as the "board," to be composed of seven members, five residents and citizens of the City of Graham, appointed by the city and two members appointed by the county commissioners to represent the extraterritorial area.

Council Members and Staff discussed being consistent with all of the City's boards and commissions and the impact of having non-residents serve on our boards and commissions. Mayor Peterman opened the Public Hearing.

Mr. Jason Cox of 200 N. Main Street Graham stepped forward to address Council. Mr. Cox encouraged Council to consider allowing real property owners within the City limits to serve on the Planning Board. Mayor Peterman advised that Council cannot consider that tonight, as the Public Hearing notice did not contain such language.

Ms. Jeanette Beaudry of 308 E. Harden Street Graham stepped forward and encouraged Council to approve the proposed text amendment presented by Staff.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward and advised that he currently is a member of the Planning Board and Board of Adjustment. He expressed concern that a residency requirement might limit finding qualified candidates to serve on the Planning Board. If Council should approve this amendment, Mr. Hall asked that they consider allowing Mr. Andy Rumley, who recently moved outside the City limits and the City's ETJ area, to finish his term that expires June 30, 2018.

With no further discussion forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved and the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member McClure. All voted in favor of the motion.

Council Member Kimrey asked Mr. Holland to look into future language that might include allowing someone with vested interest to serve on the Planning Board. Council Members asked City Attorney Keith Whited if there was any reason Mr. Rumley would not be allowed to finish his term.

Mr. Whited advised that Mr. Rumley can finish his term if Council so chooses. By consensus, Council Members agreed that Mr. Rumley should be allowed to finish his current term.

Boyd Creek Pump Station Project:

a. Approve Amendment #1: Project Budget for Boyd Creek Pump Station

City Manager Frankie Maness explained that Boyd Creek Pump Station Project is actually two projects in one. The first, and most significant, being the replacement of the Boyd Creek Pump Station. The second, and smaller part of the project, is an upgrade to the Back Creek #2 lift station. This secondary project is the purpose of the requested budget amendment. He added that the original project budget was adopted in July of 2015, but only included funds for preliminary engineering and design services. An appropriation of \$475,000 from fund balance in the Water and Sewer Fund is required to complete the project.

Following a general discussion consisting of financing and grant funds availability, Mayor Pro Tem Linens made a motion to approve Amendment #1 to the Boyd Creek Pump Station project budget, seconded by Council Member Kimrey. All voted in favor of the motion.

AMENDMENT #1 CAPITAL PROJECT ORDINANCE BOYD CREEK PUMP STATION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby amended:

Section 1. The Project authorized is Boyd Creek Pump Station.

Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Water/Sewer Fund Balance	\$650,000
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Section 4. The following amounts are appropriated for this project:

Professional Services	\$220,000
Back Creek #2 Construction	<u>\$430,000</u>
	\$650,000

Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.

Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.

Section 7. That this ordinance shall take effect upon passage.

This the 7th day of February, 2017.

b. Award Contract for Back Creek #2 Pump Station Upgrades

Mr. Maness advised that last week, the City received bids and the lowest responsive bidder was Shiloh Utilities, Inc. with a bid of \$382,000. Mr. Maness stated that Alley, Williams, Carmen & King (AWCK) has worked with this company in the past and feels comfortable with recommending Council award this contract to them.

Council Members expressed some concern with Shiloh's bid being considerably less than those of the other two companies who submitted bids. Mr. Mark Averette from AWCK stepped forward and advised Council when he spoke with the Shiloh representative after the bid opening, Shiloh feels confident that they will come in on budget with this project.

Council Member McClure made a motion to award the contract for Back Creek #2 Lift Station Upgrades to Shiloh Utilities Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, seconded by Council Member Turner. All voted in favor of the motion.

City Tree Status Report:

Mr. John Sugg gave a presentation to Council regarding a tree inventory and analysis done by himself, Staff and members of the Tree Board. The project was funded in part by a matching grant from the North Carolina Department of Agriculture & Consumer Services and the North Carolina Forest Service. Mr. Sugg touched on why the inventory is needed, the advantages of the inventory, data collection and inventory methods and the overall health of the trees in the study.

Council Members asked Mr. Sugg if our downtown area has as many trees as those other cities he has inventoried. Mr. Sugg stated that he would say that Graham is average to above average on the number of trees in the downtown area.

Mayor Peterman thanked Mr. Sugg, City Staff and members of the Tree Board for their work with this project.

Electric Vehicle Charging Station:

a. Authorize City Manager to accept \$10,000 in reimbursement from Duke Energy Carolinas LLC

Mr. Holland explained that in August of 2016, City staff applied for and was recently awarded \$10,000 from Duke Energy to install a dual port electric charging station. The approved site for the station is located in the City parking lot at the corner of E. Elm Street and Marshall Street. He added that the City would be reimbursed up to the approved awarded amount of \$10,000 by Duke Energy. After year one, there will be an additional network fee that will be addressed through future year operating budget requests.

Council Members and Staff spoke about costs associated with the station, whether or not to charge those who use the station and the use of the station as a marketing tool to bring people into the downtown area. Mr. Holland advised that based on the research he has done thus far, there may be an additional \$100-\$200 cost associated with getting power to this location that might be above the \$10,000 grant amount awarded to the City. He stated that it was Staff's initial thought to not charge the user at this time, however, a credit card machine could be installed at the charging station.

Ms. Beaudry stepped forward to encourage Council to charge the users and have an enforcement plan in place should someone park their car in one of the spots for longer than it takes to charge it.

Ms. Jan Searls of 526 E. Pine Street Graham expressed approval of the station, adding that in today's society, if you can get Graham on an app, people will remember Graham.

Mr. Maness advised that the ability to accept credit cards can be very expensive to the City and we may end up in a situation where we pay more in credit card associated fess than we would for the electricity used and charged for.

Council Member McClure made a motion to approve the resolution authorizing the City Manager to accept \$10,000 in reimbursement grant funds from Duke Energy Carolinas LLC and review the agreement in one year, seconded by Council Member Turner. All voted in favor of the motion.

**RESOLUTION AUTHORIZING ACCEPTANCE OF ELECTRIC VEHICLE GRANT FUNDS
FROM DUKE ENERGY CAROLINAS, LLC**

WHEREAS, Duke Energy is required to spend \$3,000,000 to implement environmental mitigation projects in the State of North Carolina designed to reduce air emissions from reduced vehicle emissions or reduced use of fossil-fueled electricity generation; and

WHEREAS, the City of Graham was awarded \$10,000 from Duke Energy Carolinas, LLC to install a dual port electric charging station to be located in the City parking lot at the corner of E. Elm Street and Marshall Street.;

WHEREAS, the proposed Electric Vehicle Charging Infrastructure Support Project is structured to provide direct financial support to Duke Energy customers who wish to install and own charging stations at locations where an EV can be charged for several hours.; and

WHEREAS, local businesses can benefit by capturing electric vehicle driver dollars as they spend money in the downtown while waiting for their vehicles to charge;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT the City Manager is authorized to accept a payment of \$10,000 from Duke Energy Carolinas, LLC that will be utilized to pay the installation of a plug-in electric vehicle charging station.

Adopted this the 7th day of February, 2017.

Issues Not on Tonight's Agenda:

Mr. Edward Garner of 507 Washington Street Graham expressed concern with speeding vehicles in front of his home. Mayor Peterman asked Police Chief Jeff Prichard to look into whether or not additional stop signs in that area may help with traffic speed.

Council Member Kimrey asked Recreation and Parks Director Brian Faucette if we take into consideration citizen suggestions for bands when lining up bands for the summer concert series.

Mr. Faucette said he does and will continue to welcome all suggestions.

Mr. Maness advised that he is looking at possible dates in March for the annual budget retreat and will have the City Clerk reach out to Council to get their feedback. Mayor Peterman suggested we try and have the retreat this year at the new Oneida Mills Loft Apartments.

Mayor Peterman stated that he feels we are losing employees to the private sector and asked Mr. Maness to look at the current salaries of employees and see what may be done to help with employee retention.

At 9:21 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 7, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 7, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Brian Faucette, Recreation & Parks Director

Council Members Absent:

Mayor Jerry Peterman

Mayor Pro Tem Jimmy Linens called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. *Approval of Minutes – February 7, 2017 Regular Session*
- b. *Tax Releases and Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

MARCH COUNCIL MEETING				AMOUNT RELEASED
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	
552115	2016	ANNETTE J NEESE	2 JET SKIS LISTED IN GUILDFORD COUNTY	4.20
648290	2016	JAMES BRILLHART	SOLD MH 2012	18.77
648290	2015	JAMES BRILLHART	SOLD MH 2012	20.12
648290	2014	JAMES BRILLHART	SOLD MH 2012	21.02
644599	2016	EMMETT W MARTIN	DOES NOT OWN 1969 SUPERCRAFT	5.01
644599	2015	EMMETT W MARTIN	DOES NOT OWN 1969 SUPERCRAFT	5.01
644599	2014	EMMETT W MARTIN	DOES NOT OWN 1969 SUPERCRAFT	5.01
597031	2015	EMMETT W MARTIN	DOES NOT OWN 1976 DIXIE	2.02
597031	2014	EMMETT W MARTIN	DOES NOT OWN 1976 DIXIE	5.01
638664	2016	BETTY J BROOKS	QUALIFIED FOR HOMESTEAD EXEMPTION	271.96
TOTAL RELEASES				358.13

**CITY OF GRAHAM
REFUNDS**

MARCH COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
552115	2012	ANNETTE J NEESE	2 JET SKIS LISTED IN GUILFORD COUNTY	7.40
552115	2013	ANNETTE J NEESE	2 JET SKIS LISTED IN GUILFORD COUNTY	7.40
552115	2014	ANNETTE J NEESE	2 JET SKIS LISTED IN GUILFORD COUNTY	7.66
552115	2015	ANNETTE J NEESE	2 JET SKIS LISTED IN GUILFORD COUNTY	7.66
TOTAL REFUNDS				30.12

- c. Approve request by Graham Recreation and Parks Department to close the 100 block of West Elm Street on May 25, 2017, June 22, 2017, July 27, 2017, August 24, 2017, September 14, 2017 and September 28, 2017 from 5:00pm-11:00pm for the Thursday at Seven Concert Series*

Mayor Pro Tem Linens asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item “c. Approve request by Graham Recreation and Parks Department to close the 100 block of West Elm Street on May 25, 2017, June 22, 2017, July 27, 2017, August 24, 2017, September 14, 2017 and September 28, 2017 from 5:00pm-11:00pm for the Thursday at Seven Concert Series.”

Council Member Chip Turner made a motion to approve items “a” and “b” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Council Member Kimrey asked Recreation and Parks Director Brian Faucette about concert sponsorship. Mr. Faucette explained that over the past three to four years he has seen a stronger interest in those wishing to sponsor the concert series. Mr. Faucette gave a brief overview of the sponsorship program and stated that the City is currently paying for approximately one-third of the cost of the series expenditures.

With no further discussion, Council Member Kimrey made a motion to approve item “c. Approve request by Graham Recreation and Parks Department to close the 100 block of West Elm Street on May 25, 2017, June 22, 2017, July 27, 2017, August 24, 2017, September 14, 2017 and September 28, 2017 from 5:00pm-11:00pm for the Thursday at Seven Concert Series”, seconded by Council Member Turner. All voted in favor of the motion.

Graham Area Business Association Christmas Decorations:

a. Approve Budget Ordinance Amendment

City Manager Frankie Maness explained that members of the Graham Area Business Association (GABA) have worked for a couple years now towards the replacement of lighted decorations that line the streets in and around downtown Graham during the Christmas Holiday season. Most recently GABA sold raffle tickets for the express purpose of funding the effort and have raised approximately \$25,000 to date. GABA and/or other individuals with interests in downtown have traditionally supported the decorations. Mr. Maness added that the current lights are estimated to be at least 17 years old and due to age and normal wear, the decorations have fell into disrepair resulting in many, many man hours to repair each year. He advised that a significant cost savings can be realized by placing an early order. One vendor is offering a substantial discount for placing an order by March 15, 2017 with another vendor's deadline being the end of March 2017. In order to capitalize on discount offers, a budget amendment is required to support an early order.

Mr. John Harrington and Mr. Chuck Talley stepped forward to recognize members of GABA who have worked extremely hard and have assisted in the fundraising efforts for new Christmas lights. They spoke of the various fundraising events that they have held and look forward to seeing new lights throughout future Christmas Holiday seasons.

All members of GABA in attendance joined Mr. Harrington and Mr. Talley up front and together, they presented a check in the amount of \$25,291.23 to Mayor Pro Tem Linens to be used by the City for the purchase of new Christmas decorations.

Council briefly discussed ownership and storage of the lights, with Mr. Maness stating that they would be property of the City. The old Christmas lights will be advertised on govdeals.com with all proceeds going to the City.

Council Member McClure made a motion to approve the 2016-2017 Budget Ordinance Amendment to purchase new Christmas decorations, seconded by Council Member Turner.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2016 - 2017 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures		
	APPROVED	AMENDED
10-6600-5760 Christmas Lights	0	60,000
Section 2: General Fund Revenues		
10-3280-0000 Misc. Grants	100	25,000
10-3900-0000 Fund Balance	927,000	962,000

This the 7th day of March, 2017.

Issues Not on Tonight's Agenda:

Council Member McClure stated that he recently had the privilege of seeing North Graham Elementary's production of "The Lion King". He stated that it was a great production and thinks Council should recognize those individuals responsible for their dedication to making it such a success. He asked Council for consensus to recognize school principal Ms. Nancy Cothren and director Ms. Jordan Clifton at the April City Council meeting. Consensus was given.

Council Member Kimrey expressed concern for the need to record all board and commission meetings where grant funds are being awarded. He added that he believes such meetings should be held in the City's Council Chambers. Mayor Pro Tem Linens asked that this item be added to the Council's regularly scheduled April meeting.

Mr. Maness reminded Council that the Budget Retreat will be held on March 23, 2017 from 8:30 a.m. – 12:30 p.m.

At 7:24 p.m. Council Member Turner made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
THURSDAY, MARCH 23, 2017
8:30 A.M.**

The City Council of the City of Graham met in special session at 8:30 a.m. on Thursday, March 23, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Jeff Prichard, Police Chief
John Andrews, Fire Chief
Tonya Mann, Utilities Director
Burke Robertson, Street Superintendent
Brian Faucette, Recreation & Parks Director
Sandra King, Finance Officer

Mayor Jerry Peterman called the meeting to order and presided at 8:30 a.m. Mayor Pro Tem Jimmy Linens gave the invocation.

Fiscal Year 2016-2017 Budget Status and Project Updates

City Manager Frankie Maness briefly explained that the purpose of the meeting was to provide information about major topics that will affect the upcoming budget cycle. Mr. Maness presented an overall update on the status of the Fiscal Year 2016-2017 Budget and various projects underway. He stated that generally speaking, our budget numbers are progressing as expected, adding that ad valorem tax on property, sales tax collection revenues and the Water & Sewer Fund numbers look to be in line with what was projected.

Mr. Maness went on to give some preliminary numbers that he has seen from the Alamance County's Revaluation recently done. Council Members and Staff expressed concern that generally speaking, approximately 65% of Graham's property values have depreciated. Staff has concluded that based on the preliminary numbers they have seen, the City's overall tax base increase of 6% is driven by new development and less by the general appreciation of existing development. Mr. Maness stressed the importance of having a more balanced tax base.

Mr. Maness advised that the City's health insurance, even with a discount for employee participation in wellness programs, is expected to see a significant rate increase, as the actual expense to expected ratio this year is 167.4%. He also spoke on employee succession, highlighting that within ten years, 88% of employees in leadership positions will become eligible for retirement. He added that we will be launching a performance and developmental evaluation program this July and have already instituted an internal leadership training program called "Graham Boot Camp" in an effort to retain and train employees for future leadership positions.

Discussion of 2018-2022 Capital Improvement Plan

Assistant City Manager Aaron Holland explained the purpose of the Capital Improvement Plan (CIP) is to identify, prioritize and schedule for the procurement of capital infrastructure, facilities and equipment over a multiyear period. He added that capital planning is an important management tool that strengthens the linkages between community infrastructure needs and the financial capacity of the City. Mr. Holland spoke of several projects done throughout this budget year and those areas that still need attention throughout the City. Mr. Holland advised that in the coming days, he will finish putting together the justification pages for the CIP and will make it available to Council for review. Council Members and Staff briefly discussed the proposed 2018-2022 Capital Improvement Plan Summary draft.

Discussion of 2017-2018 Budget with Department Heads

Fire Chief John Andrews spoke about the various renovations that have been done to the existing fire station. He is requesting a brush truck, a new Fire Inspector vehicle, a new fire engine and two additional fulltime fire personnel as well as one training officer. As in previous years, he also suggested that we seriously start the planning process for a new fire substation that will help to better serve Graham as it grows. He advised that we are at the State limit of a five mile radius for response. Staff and Council discussed the possibility of a new multi-purpose building, the need for new radios due to outdated technology and the decline in interest of volunteer fire personnel, which is leaning towards the need for more paid fire personnel to effectively service the businesses and citizens of Graham.

Mr. Holland spoke on behalf of the Information Technology, Inspections and Planning and Zoning Departments. He spoke of the computer replacement program we have implemented and identified relocating the server room in the Police Department, Wi-Fi for the Downtown Business Area and a new sound system for the Council Chambers as requests for the upcoming year. Mr. Holland added that the Inspections Department is requesting a new truck while the Planning Department is requesting additional personnel to help grow that department.

Recreation and Parks Director Brian Faucette addressed the need for a new 14 passenger mini-bus, new park signs, renovations of the Arts Council, a new inclusive playground, a new football and soccer complex, door lock system at the the Recreation Center and Civic Center, new flooring at the Recreation Center and retractable bleachers. In addition, he spoke about the new park and the Parks and Recreation Trust Fund (PARTF) grant recently awarded to the department for the new park. Mr. Faucette identified the need for security fencing for the City's water supply, a floating dock and a canoe and kayak launch area as the biggest needs at the Graham-Mebane Lake. He concluded by stating that a new utility truck and a 5 Gang Rotary Mower are needed by the Athletic Facilities Department.

Utilities Director Tonya Mann identified the need for cured in place sewer pipe lining, chemical root treatment, Staley Street sewer main relocation, sewer manhole rehab and a new tractor as the Water and Sewer Distribution Department's biggest needs. She spoke of the need for spare pumps, upgrading the PLC programming for lift stations and upgrading lift station communications for the Maintenance and Lift Station Department. For the Water Treatment Plant she is requesting pump house roof repair, autoclave, enclose the bleach bulk tanks and repair recoating of the old basin deck. Requests for the Wastewater Treatment Plant are digester blowers, sludge mix pump, market forge sterilmatic sterilizer, replace seal water pump, rebuild raw water pump #4, primary scum pump and a new hach spectrophotometer.

Finance Director Sandra King spoke of the Water Billing's computer replacement program.

Police Chief Jeff Prichard highlighted the need for a CAD and RMS data switch, upgrades to the Police Department's firing range, E crash server, taser replacement, upgrade the Police Department's flooring, replace the HVAC system, mobile-vision L-3, an additional four (4) officers and three (3) new police vehicles in the upcoming fiscal year. He also added that while not on this CIP, there will be a need for new radios in the future as technology becomes outdated.

Streets Superintendent Burke Robertson identified street resurfacing, pedestrian sidewalks and the Marshall, Travora, Pomeroy storm drain project as the biggest needs in the Streets and Highways Department. He indicated that we are currently averaging two miles of paving per year – while we should be completing four miles per year. He stated that the Sanitation Department is requesting to replace the rear loading refuse truck. Mr. Robertson identified the Property Maintenance Department's need for renovations to the South Park restrooms, replace the 4wd regular cab service truck and a new zero turn mower.

Following a brief discussion about the various items presented, Council Member Lee Kimrey made a motion to adjourn at 1:16 p.m., seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 4, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 4, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Tonya Mann, Utilities Director
Shelby Smith, Pretreatment Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

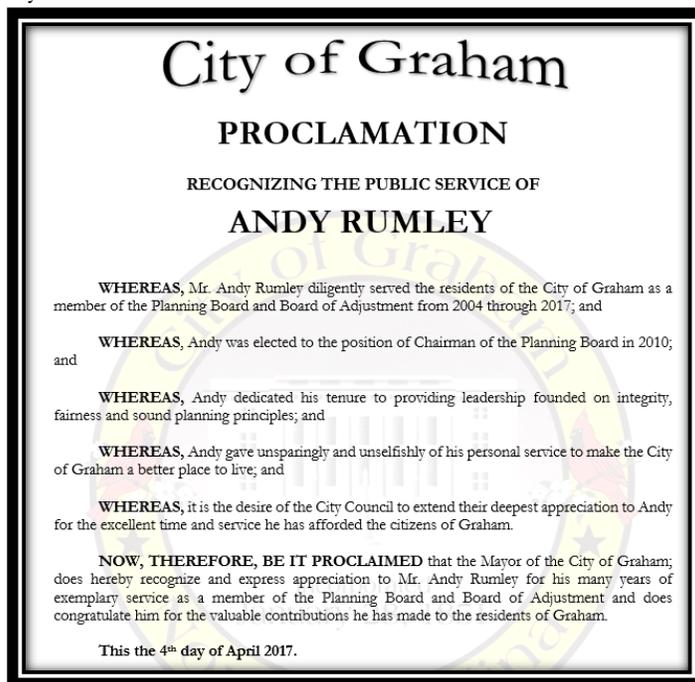
Honorary Proclamations:

➤ **North Graham Elementary School – The Lion King Production Recognition**

Council Member Griffin McClure introduced North Graham Elementary Principal Ms. Nancy Cothren, Drama Teacher Mr. Jordan Clifton and several students in attendance and congratulated them for the successful production they recently put on at the school.

➤ **Andy Rumley – Planning Board/Board of Adjustment Proclamation**

Mayor Peterman read a proclamation honoring former Planning Board Chairman Mr. Andy Rumley for his service to the City. Planning Board Vice Chairman Mr. Ricky Hall accepted the proclamation on behalf of Mr. Rumley.



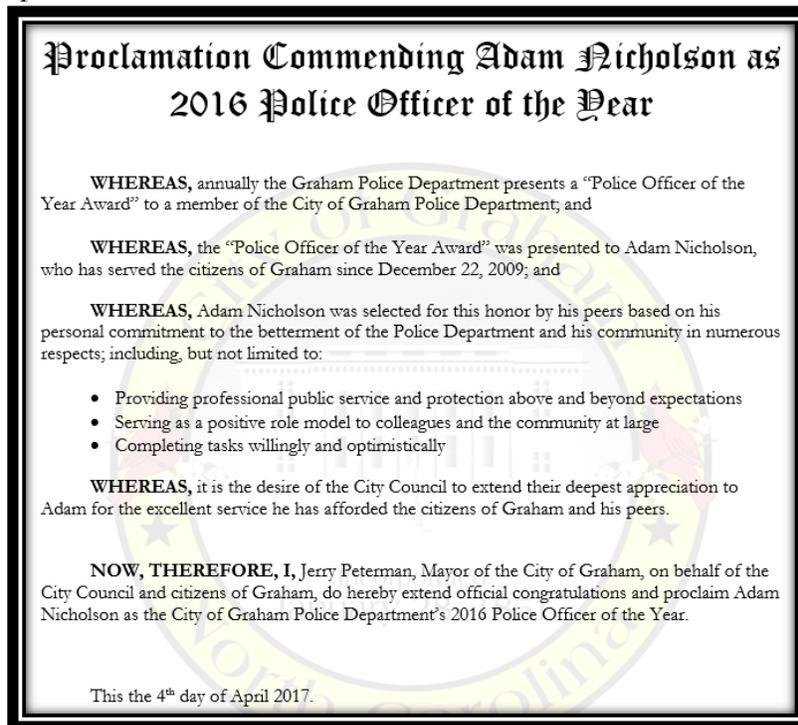
➤ **Brad Bullis – 2016 Fireman of the Year Proclamation**

Mayor Peterman presented a proclamation to Mr. Brad Bullis recognizing him as the 2016 Graham Fire Department's Fireman of the Year.



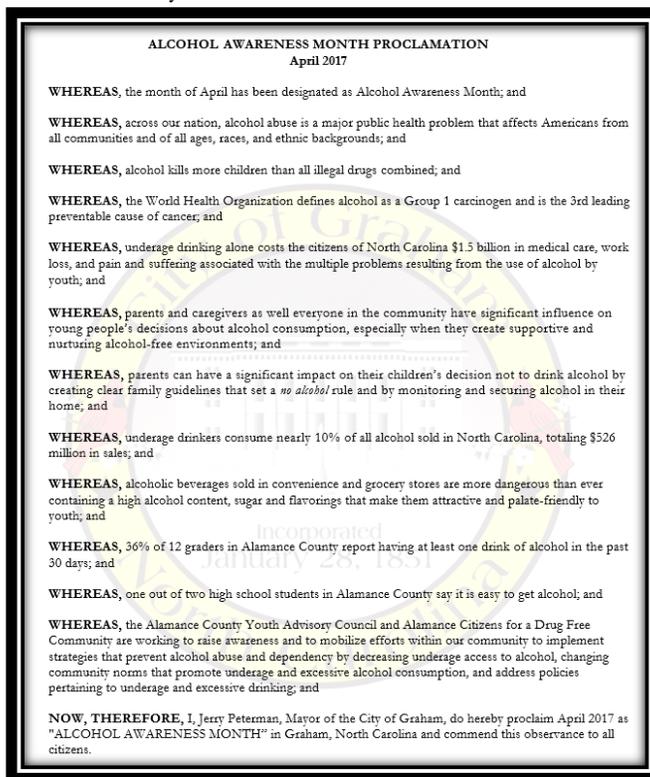
➤ **Adam Nicholson – 2016 Police Officer of the Year Proclamation**

Mayor Peterman presented a proclamation to Mr. Adam Nicholson recognizing him as the 2016 Graham Police Department's Officer of the Year.



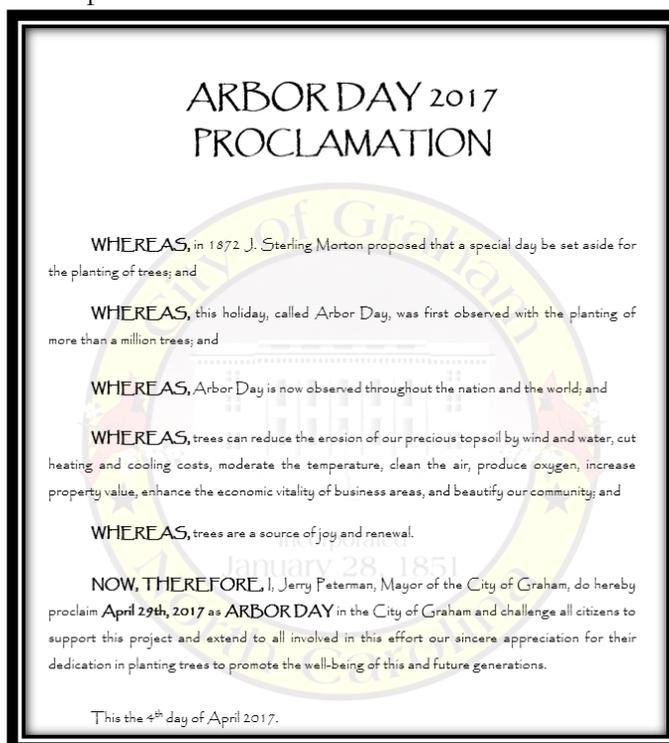
➤ 2017 Alcohol Awareness Month Proclamation

Mayor Peterman presented a proclamation to Ms. Jennifer Arce-Navarete proclaiming April 2017 as Alcohol Awareness Month in the City of Graham.



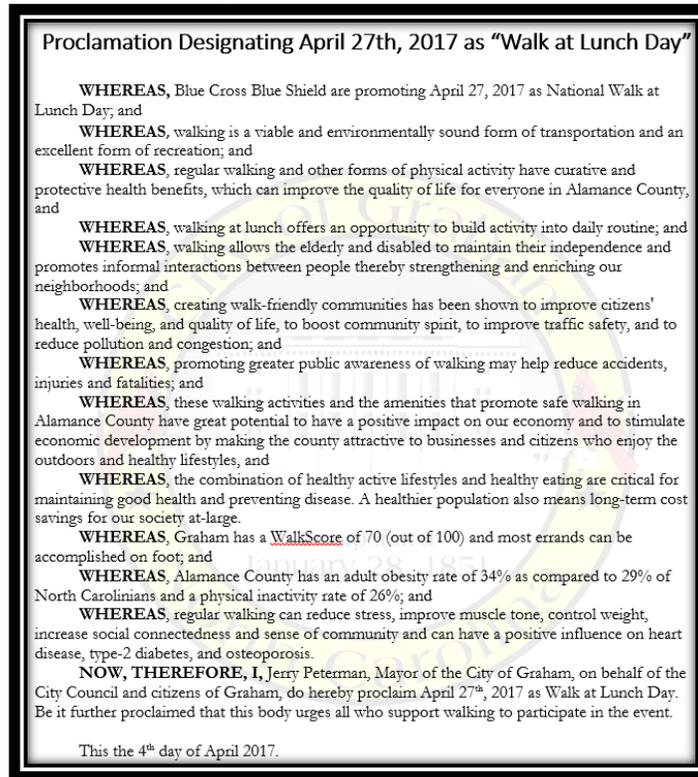
➤ 2017 Arbor Day Proclamation

Mayor Peterman presented the 2017 Arbor Day Proclamation to Ms. Elaine Murrin, Graham Appearance Commission Chairperson.



Consent Agenda:

- a. *Approval of Minutes – March 7, 2017 Regular Session*
- b. *Approval of Minutes – March 23, 2017 Special Session*
- c. *Appoint Eric Crissman to Tree Board*
- d. *April 27, 2017 – Walk at Lunch Day Proclamation*



Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Boards and Commissions Meeting Venue Discussion

At last month's regular City Council meeting, Council Member Lee Kimrey asked that the Council consider requiring meetings in which grant monies are awarded to be held in the Council Chambers and be recorded. It was decided at that time that due to Mayor Peterman's absence at that meeting, this request would be placed on the April 4, 2017 agenda.

Council Member Kimrey reiterated his belief that when grant monies are awarded, he would like to see those meetings held in the Council Chambers and have an audio recording done as well. Council Members referred to a recent meeting of the Graham Appearance Commission held at the Graham Civic Center. During that meeting, which was not recorded, the Business Beautification Grant awards were made to various businesses.

Ms. Murrin of 1213 Raspberry Run Graham stepped forward and advised Council that she was not aware that Council required a venue change and recording for a meeting as such. Mayor Peterman advised that this is something Council is looking at requiring going forward.

Mr. Chuck Talley, 808 Sideview Street Graham stepped forward and advised that he attended the Appearance Commission meeting being discussed and encouraged Council to require such meetings be held in the Council Chambers in the future.

By consensus, Council Members agreed that all future Boards and Commissions meetings by which there is to be an appropriation of grant monies will be held in the Council Chambers and be audio recorded.

Recommendations from Planning Board:

a. Public Hearing: Mallard Care Home (SUP1701). Request by Garry Wiley for a Special Use Permit to Allow a Family Care Home at 304 Mallard Creek Drive

Mayor Peterman advised that this item had been withdrawn by Staff, adding that the applicant is not required to have a Special Use Permit for this request.

b. Public Hearing: Steve's Rezoning (CR1701). Request by Justin Long to Rezone 329 and 331 West Harden Street from Light Industrial (I-1) to Conditional Business (C-B)

Planning Director Nathan Page explained that this is a request to rezone the subject property from I-1 to C-B. The applicant is proposing to “allow for further expansion to take place closer to the property line and not interfere with the parking lot.” The proposed uses for the new zone would include all uses within General Business (B-2), and the rear and side yards would be reduced to zero. The front yard 30 foot setback will be maintained (reduced from the current 50 foot front yard). The property is currently functioning as a grocery store as well as a religious service building.

Council Members and Staff discussed how this rezoning would affect the current businesses at this location and Mr. Page advised that he has granted a Unified Business Development Light use to the business owner. With no further discussion forthcoming, Mayor Pro Tem Jimmy Linens asked that he be recused due to the fact that the petitioners are his daughter and son-in-law. Mayor Peterman made a motion that Mayor Pro Tem Linens be recused, seconded by Council Member Kimrey. All voted in favor of the motion.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Council Member McClure asked Mr. Page if he knew why one Planning Board Member had voted against recommending this rezoning. Mr. Page stated he had no additional knowledge of anything other than what was in the Planning Board minutes from that meeting.

Planning Board Member Mr. Dean Ward was in attendance and advised Council that he voted in error at the Planning Board meeting and is not against this rezoning.

Council Member Kimrey made a motion that the application be approved with the following condition: 30 foot setback from Harden Street; and that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: Permitting this Conditional Zoning will create a conforming structure and allow for future expansion of a successful business. Council Member McClure seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Linens rejoined the Council.

c. Public Hearing: Appearance Commission (AM1701). Request by the City of Graham Appearance Commission to Rewrite Their Enabling Ordinance

Mr. Page explained that the Appearance Commission and Tree Board's enabling ordinances are nestled within the Development Ordinance. He added that it was his understanding that this proposed ordinance amendment was approved by the Appearance Commission prior to going to the Planning Board and Council. Mr. Page further stated that this amendment would remove the stipulation that members of the Tree Board must be members of the Appearance Commission as well.

Following a brief discussion between Council Members and Staff, Council Members expressed concern with the proposed language throughout this amendment. Mr. Page stated that he had very little influence in the drafting of this proposed amendment, adding that the Appearance Commission was responsible for this draft.

With no further discussion, Mayor Peterman opened the Public Hearing.

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to address Council. She informed Council that she is currently the Chairman of the Tree Board and that this amendment would mean that those Tree Board members who currently serve on the Appearance Commission as well, would be leaving the Appearance Commission.

Ms. Murrin stepped forward to answer questions from Council. Council Members asked Ms. Murrin about the number of meetings the Appearance Commission held in 2016 and asked about the proposed language concerning residency requirements and removal of members and officers. Council Member Kimrey expressed concern with language allowing someone other than Council to remove members from boards and commissions. Ms. Murrin was receptive to all suggestions from Council and admitted that she followed language found in a model ordinance when drafting this amendment.

Ms. Murrin asked Council what the process is for appointing members to various boards and commissions. Mayor Peterman stated he believes applications are received by the Clerk, sent to the boards and commissions and then they make a recommendation for appointment to Council.

Mr. Tom Boney of the Alamance News asked Ms. Murrin what the underlying reason was for this proposed rewrite. Ms. Murrin answered that it's the Commission's experience that the current ordinance is somewhat weak and does not reflect the Appearance Commission as they would like to see it, as it does not outline the Commission's goals, functions and contributions they would like to see. It also addresses having a seven member Appearance Commission. Mr. Boney asked if the Appearance Commission had voted on this proposed language, whereby Ms. Murrin stated that Appearance Commission members have seen a copy of this proposed amendment, but said she doesn't believe the Commission has voted on it. Council Member McClure stated that he attends the Appearance Commission meetings and remembers it being discussed but not necessarily voted on.

With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members agreed that the language being proposed in this amendment needs revisions and also added that it must be voted on by the Appearance Commission before coming back to Council for final approval. The Tree Board will also have to vote on being separated from the Appearance Commission. Council Member McClure made a motion that this item be tabled to the May 2, 2017 regularly scheduled City Council meeting, seconded by Council Member Kimrey. All voted in favor of the motion.

Boards and Commissions:

a. Planning Board:

i. Appoint New Member to Serve the Remainder of Unexpired Term of Andy Rumley

Mayor Peterman explained that Council must appoint a new member to the Planning Board. This member will be an in city member and will serve the remainder of Mr. Rumley's term.

Council Member Kimrey asked when the term will expire. City Clerk Darcy Sperry advised that this term expires June 30, 2018. Council Member Kimrey inquired as to why these applications were not sent to the Planning Board prior to this Council meeting. Mr. Page stated that requirement is not codified in the Development Ordinance and he was unaware of any concerns the Planning Board may have until after the applicants were notified that Council would be appointing a replacement at this meeting. Mr. Page added that he doesn't believe that it's good practice to allow a board to choose their own replacements. City Manager Frankie Maness stated that typically in the past, we have not had much interest in people wanting to serve on our board. Last June, we had more applicants interested in the same board(s) than in years past and those applications came directly to the City Council.

Council Member Kimrey referred to Mayor Peterman's remarks earlier in the meeting and stated that he too was under the assumption that applications went to the boards for review prior to coming to Council for appointment. Mayor Peterman advised that Ms. Sperry had sent him a note during this discussion stating that applications are not currently being sent to the boards prior to Council. Mr. Maness said that how applications are handled is a decision of the Council. He added that if Council would like for boards and commissions to make recommendations, we can do that. He reminded Council that one of the powers of Council is that they can appoint whom they wish to serve on boards and commissions. Mr. Maness said that there has been some inconsistency throughout the years with some boards making recommendations and others going directly to Council for appointments.

Mayor Peterman expressed concern with a board recommending someone and Council appointing someone else. He wondered about the potential for animosity amongst that board's members.

Jeanette Beaudry of 308 East Harden Street stepped forward and expressed concern that she had submitted a volunteer application for the Planning Board yet her application was not one of those submitted to Council. She added that in the past, she has been called and asked if she was interested in serving on the Planning Board and attended a Planning Board meeting. She stated that at that time, it was between her and one other woman and when it came before Council, someone other than those two women was appointed. She doesn't think that's fair. Ms. Sperry admitted that if Ms. Beaudry had submitted an application for the Planning Board, she may have overlooked it. She explained that when someone is appointed to a board, their application is moved from a pending folder to an archived one. She stated that if Ms. Beaudry's application had multiple boxes checked for multiple boards, she may have inadvertently moved the application without retaining a copy of it in the pending folder.

Ms. Searls stepped forward and expressed concern with membership commitments to boards and commissions. She eluded to the fact that someone can check all boxes on the current application without knowing what commitment level is for each board. She suggested that there be separate volunteer applications for boards. Mayor Peterman stated that he doesn't believe checking all boxes is an issue, instead not having enough applicants has been more of an issue.

Mr. Boney stated that the approach used by other local municipalities is that the application is submitted to the City Clerk and the City Council makes the appointment without input from the various boards and commissions. He added that Council may want to seek a recommendation from various boards for reappointments, but not initial appointments. Mayor Peterman stated that he liked that direction.

Mayor Peterman asked Council how they would like to proceed. Council Member Kimrey stated that he would like to proceed with the appointment due to the fact that the applicants had been informed that Council would be making an appointment at this meeting. All other Council Members agreed to proceed with the appointment.

Mr. Nathan Perry of 213 Guthrie Street Graham stepped forward and thanked Council for considering his application. Council Member McClure asked Mr. Perry about his experience with the Company Shops in Burlington. Mr. Perry replied that he believes that affiliation will be of great value here in Graham. Mayor Pro Tem Linens pointed out that Mr. Perry is currently serving on the Graham Recreation Commission.

Ms. Searls stepped forward and spoke on behalf of applicant Mr. Eric Crissman. She stated that a family matter kept him from being at this meeting himself and added that Mr. Crissman grew up in Graham and is interested in Graham's energy going forward.

Council Member Kimrey nominated Mr. Perry while Mayor Peterman nominated Mr. Crissman. Mayor Peterman polled each Council Member for their vote. Voting for Mr. Perry were Mayor Pro Tem Linens, Council Member McClure and Council Member Kimrey. Recognizing that Mr. Perry received a majority vote, Mayor Peterman advised that he would vote for Mr. Perry. Mr. Perry was appointed to serve the remainder of Mr. Rumley's term. Appointment carried 4-1. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member McClure and Council Member Kimrey. Nays: Council Member Turner.

Wastewater Treatment Plant Intergovernmental Agreement with the City of Mebane:

a. Approve Agreement

Mr. Maness explained that this proposed agreement will further utility operations between Graham and Mebane. He added that the City of Graham and the City of Mebane have partnered in utilities since June 22, 1973, as co-owners of the Graham-Mebane Water Treatment Plant and Reservoir. The Cities further partnered in utilities during the creation of the NCCP, in which water and sewer systems were interconnected and Graham began receiving wastewater from Mebane. In 2006, the City of Graham commissioned the construction of the Cherry Lane Pump Station with regionalization of sewer collection as a secondary purpose. The City of Mebane is requesting that the City of Graham consider a wastewater treatment plant capacity allocation of 750,000 gallons per day (.750 MGD). Under the proposed agreement, up to 750,000 gallons per day of wastewater from the Mebane collection system may be conveyed by the Cherry Lane Pump Station and treated by Graham.

The financial operations under the agreement would look very similar to that of the existing water plant process by which operating costs are divided based on actual flow and capital costs are divided by the allocation of the capacity of the plant. The existing water and sewer arrangement under the NCCP agreement is unaffected by this proposed agreement. In exchange for the 750,000 gallons per day allocation, it is proposed that Mebane will pay the City of Graham a total of \$2,682,464 in annual installments over 20 years.

The City of Graham will realize an undetermined amount of savings in operating expenses and future capital outlays for the WWTP. Over 60% of annual costs to operate the WWTP are fixed, and therefore would be the same regardless of the amount of wastewater treated.

Council Members and Staff discussed when Mebane would start sending sewer to us. Mr. Maness stated that it could be years before we see any volume, but at this point, he cannot say when Mebane would start sending anything to us. Mr. Maness advised that in addition to the \$2,682,464, Mebane would be charged a portion of capital costs and other related costs incurred by us. He added that assuming the City of Mebane sends its entire allocation of 750,000 gallons per day, the wastewater plant utilization would return to its 1996 flow amount and still have 40% of its capacity available. Mr. Maness advised that Utilities Director Tonya Mann and Pretreatment Coordinator Shelby Smith were present to answer any technical questions Council may have but that this agreement is more financial than technical in nature.

Council and Staff continued discussing capacity, finances, the Cherry Lane Pump Station, how this agreement may lessen the burden on the Graham taxpayers, wear and tear on equipment and if this agreement would prevent Graham from being able to service a large sewer user in the future. Mr. Maness stated if a large sewer customer should come to Graham, the revenues gained should support any improvements needed to service that customer.

With no further discussion forthcoming, Mayor Peterman made a motion to approve the Graham/Mebane Wastewater Treatment Plant Intergovernmental Agreement, seconded by Council Member Turner. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Assistant City Manager Aaron Holland reminded Council that the Little Alamance Creek Stream Clean Up is scheduled for Saturday, April 22nd at 9:00 a.m. in Burlington and the Annual Stormwater Public meeting will be held Wednesday, May 3rd at 5:30 p.m. here in the Council Chambers.

Council Member McClure challenged the Council to help address the negative impact the County's recent revaluation has had on Graham property owners. He asked Council to look at demands and what motivates people to want to live in our community.

Council Member McClure also congratulated the 2017 NCAA National Champion Men's Basketball Team.

Council Member Kimrey gave an update on the Southern Loop. He explained that the Transportation Advisory Committee (TAC) recently met and they are unwilling to accept Council's request to eliminate the Southern Loop from Graham altogether. NCDOT requires an alternative route to be in place before it can be eliminated. They have agreed to have the Metropolitan Planning Organization (MPO) reach out to Graham Staff and look at other potential routes. Council Member Kimrey has encouraged Graham Staff members to look at routes outside the City of Graham and outside the City's ETJ. Once those routes are established, they will be brought before Council for a vote, if it is in Graham's jurisdiction. Mr. Page explained that the City had been protecting the corridor that was adopted up until the Council adopted the resolution no longer supporting it. We are no longer protecting any right of way but rather deferring protection of said right of way to NCDOT. Council Member Kimrey asked Mr. Page if we no longer are recognizing the route that is on the map. Mr. Page said that we are happy to recognize it but that the authority switched from the City of Graham to NCDOT when Council adopted the resolution no longer supporting it. Council advised Staff to be sure to inform any potential builder that they need to check with NCDOT if their project falls within the current route.

Mayor Peterman reminded Council of the Graham Sports Hall of Fame Banquet and the Graham Regional Park ribbon cutting.

At 9:15 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MAY 2, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 2, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

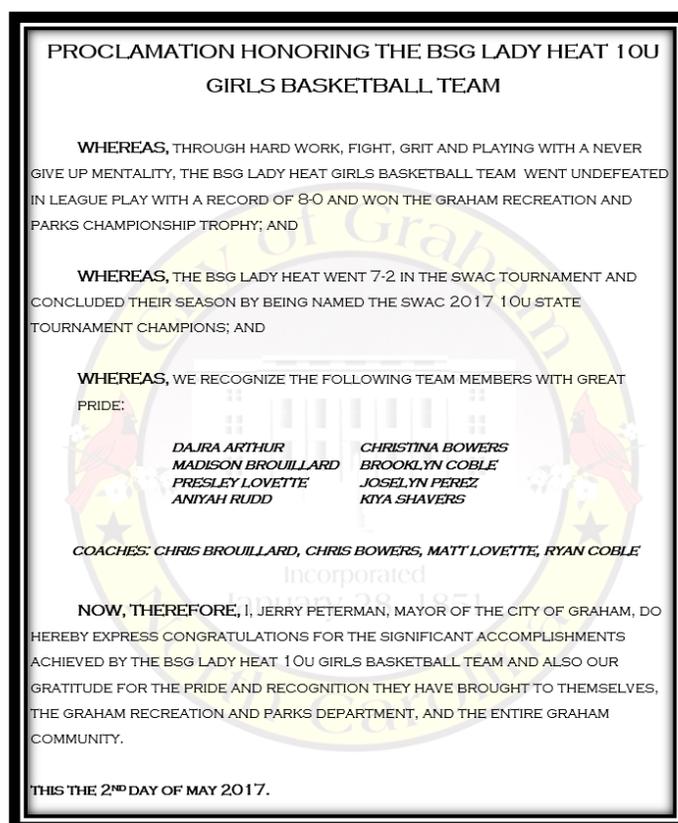
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Brian Faucette, Recreation & Parks Director
Lorrie Andrews, Human Resources Manager
Dakota DeYent, Human Resources Intern

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

Honorary Recognition & Proclamation:

➤ **Graham Recreation & Parks 10U Basketball League Champions – BSG Lady Heat**

Mayor Peterman read and presented a proclamation to the girls and coaches from the Burlington Sporting Goods (BSG) Lady Heat.



Consent Agenda:

- a. Approval of Minutes – April 4, 2017 Regular Session*
b. Tax Releases

CITY OF GRAHAM RELEASE ACCOUNTS				
APRIL COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
501470	2014	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.73
501470	2015	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.48
501470	2016	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.35
650571	2015	COLLINS, DONALD	AMENDED PP IN 2015-DID NOT OWN	41.05
603448	2014	HOPKINS, SHERRY	MOBILE HOME DBL LISTED IN NEW OWNER	23.32
191142	2009	PREMISE NETWORKS INC	COMPANY DISSOLVED IN 2009 FILED BANKRUPTCY 1-2-2009. ALL ASSETS AND EQUIPMENT SOLD THROUGH BK	775.23
TOTAL RELEASES				844.16

- c. Request from Alamance County Manager Bryan Hagood to block off the North and South side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building for the annual Memorial Day Ceremony on Monday, May 29, 2017 from 9:30 a.m. to 1:00 p.m.*
- d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street*

Upon a request by City Attorney Keith Whited, Mayor Peterman asked to pull item “d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street”.

Mayor Pro Tem Linens made a motion to approve items “a”, “b” and “c” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mr. Whited advised Council that this easement agreement was drafted by Duke Energy and is very broad and gives Duke Energy a lot of authority and control.

Following a brief discussion between Mr. Whited and Council, Council Member Lee Kimrey made a motion to approve item “d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street”, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

**RESOLUTION TO GRANT EASEMENT TO DUKE ENERGY CAROLINAS, LLC AT
CITY HALL PROPERTY**

WHEREAS, The City of Graham “City” owns the parcels identified by Alamance County GIS parcel id(s) 145789, 145774, and 145775, also known as 201 South Main Street, 206 South Maple Street, and 116 West Pine Street;

WHEREAS, the City Hall building has been plagued with power loss over the years due to the need of a service line replacement;

WHEREAS, Duke Energy Carolina’s LLC requests twenty (20) foot wide easement for the purposes of transmitting and distributing electrical energy and for communication purposes;

WHEREAS, G.S. 160A-273 permits a city to grant easements over, through, under, or across any city property;

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

The City of Graham (“City”) hereby grants an easement to Duke Energy Carolina’s LLC for the purposes of transmitting and distributing electrical energy and for communication purposes.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the necessary documents on behalf of the City.

Adopted this 2nd day of May 2017.

Old Business:

a. Public Hearing: Appearance Commission (AM1701). Request by the City of Graham Appearance Commission to rewrite their enabling Ordinance

Assistant City Manager Aaron Holland explained that per Council’s request at last month’s City Council meeting, Staff worked on revising the proposed ordinance. He added that it was Staff’s intention to have this revision done in time for the Appearance Commission’s May meeting. Due to the decision by Council to table this item at the April 4, 2017 City Council meeting, Staff added it to tonight’s agenda so that Council could review what is going to be proposed to and expected to be voted on by the Appearance Commission this month.

Council Member Kimrey expressed concern with some of the proposed language resembling that of our current Façade Grant. He asked for consensus from Council to direct Staff to make revisions to section 10.290, subsection “c” so that it aligns with the current Business Beautification Grant. Consensus was given.

Council Member McClure inquired as to whether or not a plan was in place for getting the Commission down to seven members. Staff advised that it will be up to the Appearance Commission to determine how best to do that.

By consensus, Council Members agreed that the proposed ordinance, with a change to the section referenced above, should be submitted to the Appearance Commission to vote on at their May meeting. Council will then vote on this ordinance amendment at their June 6, 2017 meeting.

Recommendations from Planning Board:

a. Public Hearing: Fee for Appeals (AM1704). A request by Staff to add an Appeal Fee to the City of Graham Rates and Fees Schedule

Planning Director Nathan Page explained that this was an application from the Planning Board to add a fee for appeals to the Ordinance, in an attempt to cover the costs the City must bear when they provide public notice for appeals and to help offset the staff requirements for the quasi-judicial hearings.

Council Members and Staff discussed the number of appeals the City sees, the cost of advertising and mailings as well as the Staff hours put into appeals. Council Members were generally concerned with the fact that imposing a fee might present a financial hardship to some residents.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be denied, the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: the text amendment puts an undue hardship on applicants. Council Member McClure seconded the motion. Yays: Council Member Kimrey, Council Member McClure, Council Member Chip Turner and Mayor Peterman. Nays: Mayor Pro Tem Linens. Motion carried 4:1.

b. Public Hearing: Planning Board Requirements (AM1702). A request by the Graham City Council to amend the City of Graham Development Ordinance to permit real property owners within the City limits to serve on the Planning Board and Board of Adjustment

Planning Director Nathan Page explained he was not in attendance at the meeting in which the Council approved a change to the residency requirements for the Planning Board, but advised that this amendment request came about from citizen request at that meeting.

Council Members expressed concern with how we could effectively verify real property owners with regards to properties that may be in a trust, will or estate. Following this brief discussion and with no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Mayor Pro Tem Linens made a motion that the application be denied and that the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

Mission, Vision and Values Presentation:

City Manager Frankie Maness introduced Human Resources Intern Dakota DeYent, a senior from Elon University. Mr. Maness explained that Mr. DeYent has spent part of this semester working alongside Human Resources Manager Lorrie Andrews as part of his core coursework in Human Services. Part of his coursework was analyzing Mission, Vision and Values statements.

Mr. DeYent explained that in the time spent with the City, he has assisted with an orientation program for new hires and also help to program and implement a new performance evaluation system. Both programs are centered around Mission, Vision and Values statements. His ultimate goal became how to create a high value Mission statement that can be useful in a town or city government. Mr. DeYent surveyed and interviewed City of Graham management, employees and Council Members and based on the responses he received, he created the following draft for future consideration:

Mission Statement:

We are dedicated to creating an attractive, safe, and great place to reside, work, and play. We are committed to efficiently providing exceptional services to our employees and citizens.

Vision Statement:

To establish our identity, plan for our future, preserve our history, and enhance our quality of life.

Values Statement:

Integrity – Honesty and ethics guide our behavior and decisions.

Identity - We recognize that it is not our own perception of who we are, it is our citizens' perceptions that are the most important.

Respect – We will treat all people equally and with dignity.

Reliability – We will consistently and readily provide quality services.

Team Work – We will work together to get the job done.

Council Members thanked Mr. DeYent for the work he put into establishing these statements. Mayor Peterman asked Mr. Maness to provide Mr. DeYent with a letter of recommendation for future employment. Additionally, he asked Ms. Andrews to prepare a formal recommendation to adopt Mission, Vision and Values statements for the Council to consider.

Connect NC Bond Grant:***a. Accept \$500,000 Connect NC Bond Grant and Approve Project Budget***

Recreation and Parks Director Brian Faucette explained the City has been awarded a grant in the amount of \$500,000 to go towards constructing an inclusive playground at the new Graham Regional Park. When approving the application for the grant in 2016, Council agreed to provide a match in the amount of \$350,000. The proposed \$850,000 project includes a fenced playground featuring inclusive equipment and a poured-in-place rubber safety surface, parking lot, sidewalks, restroom, water fountain and associated planning, grading, utilities and contingency. Mr. Faucette added that an inclusive playground is an intergenerational playground designed for individuals to play together regardless of physical challenges or disabilities. An inclusive playground goes beyond ADA accessibility by focusing on all types of disabilities, temporary or permanent and is designed not just for those confined to wheelchairs.

Following a brief discussion between Council Members and Staff pertaining to the overall cost of the playground equipment and ground covering material, the septic system, site changes and grading, Mayor Peterman opened the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion to accept the \$500,000 Connect NC Bond Grant and approve the project budget, seconded by Council Member Turner. All voted in favor of the motion.

**CAPITAL PROJECT ORDINANCE
GRAHAM REGIONAL PARK INCLUSIVE PLAYGROUND**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

- Section 1. The Project authorized is the Graham Regional Park Inclusive Playground.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute required grant documents and change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Connect NC Bond Grant	\$500,000
Proceeds from Fund Balance in General Fund	<u>\$350,000</u>
	\$850,000

- Section 4. The following amounts are appropriated for this project:

Professional Services	42,500
Construction	775,000
Contingency	<u>32,500</u>
	\$850,000

- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. That this ordinance shall take effect on July 1, 2017.

This the 2nd day of May, 2017.

Impact Alamance Grant for Active Transportation:

a. Approve Resolution

Mr. Page advised that Staff submitted an application to Impact Alamance that was based on The Graham 2035 Comprehensive Plan's call for active transportation. While the actual plans have not been laid out yet, the City has secured a \$60,000 grant from Impact Alamance to install bike lanes on Pine Street in the vicinity of Jones Street, running west along Pine Street and end in the vicinity of Home Avenue. Mr. Page added that this grant contains no matching funds from the City.

Council Members and Staff discussed how the bike lanes might affect traffic patterns, speed limits in the areas that contain bike lanes, street width, parking along Pine Street and sharrow. Mr. Page explained that a sharrow is when the bike lane goes away, on street parking is marked and the bike merges into primary traffic before returning to the marked bike lane. With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to express her concern for the current state of traffic in front of her house.

She stated that she would welcome these bike lanes if they would help prevent people not paying attention while driving on that section of East Pine Street. She believes that currently the road is so wide that it does allow for a driver to become distracted. Ms. Searls asked if the bike lanes will be shared by pedestrians as sidewalks are not currently in place in front of her property. Mr. Maness noted that there are sidewalks on portions of Pine Street, although there are none in front of Ms. Searls property. Ms. Searls also expressed concern with parking and asked that residents be involved with the planning of these proposed bike lanes.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey asked if this request is approved, would the planning from here on out be an administrative decision. Mr. Maness said it would unless it impacts parking or travel lanes that are regulated through our Code of Ordinances. Mr. Maness added that it would be hard for us to give a definitive comment on a certain area because it hasn't been designed yet. He added that Pine Street is a very wide street and we either spend money to tear up existing infrastructure or we find alternative or concurrent uses for existing right of ways. These will be Graham's first bike lanes and might very well lead to interconnectivity between municipalities in the future.

Council Member McClure made a motion to approve the resolution authorizing the City Manager to accept \$60,000 in grant funds from Impact Alamance, seconded by Council Member Kimrey. All voted in favor of the motion.

**RESOLUTION AUTHORIZING ACCEPTANCE OF ACTIVE TRANSPORTATION GRANT
FUNDS FROM IMPACT ALAMANCE**

WHEREAS, Impact Alamance has identified access to active transportation as a need within Alamance County, and has released a call for proposals which suit this need; and

WHEREAS, the City of Graham was awarded \$60,000 from Impact Alamance to install bicycle lanes and crosswalks near our schools and parks;

WHEREAS, the proposed grant will require staff time for installation, but will pay for all material costs; and

WHEREAS, citizens will benefit from the additional travel options, particularly those students at Graham Middle School.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT the City Manager is authorized to accept a payment of \$60,000 from Impact Alamance that will be utilized to pay for the installation of a bicycle route on Pine Street, as well as the possible installation of crosswalks.

Adopted this the 2nd day of May, 2017.

Encroachment Discussion:

Mr. Page explained that it has been brought up that the City does not have a formal process in place for applicants who wish to have a semi-permanent encroachment into the right of way.

Additionally, Mr. Page stated that he believes there is the need for an agreement that legally holds the property owner that has made the improvement responsible for that such that the City is not liable for that improvement.

Mayor Peterman asked Council for a consensus to have Staff research this further and come back to Council with a recommendation at a later date. Consensus was given.

Issues Not on Tonight's Agenda:

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward to thank Council for considering his application when making an appointment to the Planning Board and Board of Adjustment last month. He asked that he be considered for appointment in June when the boards will have a vacancy once again.

Mr. Holland reminded Council that the Annual Stormwater Public Meeting will be held on May 3, 2017 at 5:30 p.m.

Council Member McClure encouraged Council Members to strongly evaluate the County's position with regards to evaluating the County's investment in the education system and how Council might best advocate for the citizens of Graham.

Council Member Turner advised that he had received a complaint from a citizen regarding the manhole cover near Walgreen's Pharmacy. Mr. Maness will reach out to DOT and ask them to address this issue.

Council Member Kimrey asked Mr. Page who is responsible for the \$500 gift card one might win for filling out an online survey with regards to the Graham Downtown area. Mr. Page advised that this is a class project being done by students at Elon University and due to the overwhelming support they received with a previous online survey, Elon University donated the gift card.

Council Member Kimrey asked Mr. Page about the status of the annual review of The 2035 Graham Comprehensive Plan by the Plan's steering committee. Mr. Page stated that the Planning Board is scheduled to review the Plan this year and if they feel something needs addressed, it will be brought to the steering committee's attention at that time. Council Member Kimrey expressed concern with the fact that the Planning Board is making the decision as to whether or not the steering committee meets to review this Plan on an annual basis and not the steering committee meeting to determine if the Planning Board and City Council's decisions are consistent with The Graham 2035 Comprehensive Plan.

Mayor Peterman asked for consensus to move the regularly scheduled City Council meeting on Tuesday, July 4, 2017 to Tuesday, July 11, 2017. Consensus was given.

Mr. Maness advised Council that his proposed budget for FY 2017-2018 is in front of them. He reminded all that the budget workshop is scheduled for May 16, 2017 at 8:00 a.m. here at City Hall.

Mr. Maness announced that the annual Family Fun Day will be held on Thursday, June 1, 2017 at 5:00 p.m. This year's event will be held at the new Graham Regional Park.

At 8:44 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

**CITY OF GRAHAM
SPECIAL SESSION
TUESDAY, MAY 16, 2017
8:00 A.M.**

The City Council of the City of Graham met in special session at 8:00 a.m. on Tuesday, May 16, 2017, in the Conference Room of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Sandra King, Finance Director
Ryan Allshouse, Administrative Intern
Brian Faucette, Recreation & Parks Director
Nathan Page, Planning Director

Mayor Jerry Peterman called the meeting to order and presided at 8:00 a.m. Mayor Pro Tem Jimmy Linens gave the invocation.

Mayor Peterman and City Manager Frankie Maness introduced Alamance County Transportation Authority (ACTA) Executive Director Mr. Ralph Gilliam. Mr. Gilliam expressed concern with their agency's request for \$7,600 being eliminated from the manager's recommended FY 2017-2018 budget, while giving Council a brief overview of the ACTA program. Mr. Gilliam stated that in FY 2015-2016, riders using a Graham home address accounted for the second highest number of trips in the County. Additionally, Mr. Gilliam advised that while talking with Mayor Peterman and Mr. Maness prior to this meeting, Mr. Maness suggested that ACTA consider reducing the fare by \$1 for riders who live within the City limits. He stated that he foresees that not being an issue if Council should decide to grant the \$7,600 in funding.

Council Members asked Mr. Gilliam about the number of Graham residents that use ACTA, the Paratransit system, grant funding, who may ride and what other Alamance County municipalities participated in FY 2016-2017. Council Members agreed to revisit this issue later on in the meeting.

Mr. Maness reviewed the highlights of his recommended \$19,998,800 budget and gave a general overview of it. Staffing levels, overtime pay and compensatory time for employees was discussed as well as the basis for employee Cost of Living Adjustments, the Consumer Price Index.

The revenues of the General Fund were discussed among Council and Staff, in particular the estimations for property taxes and sales tax. Mr. Maness explained that this year was a revaluation year in which the calculation of a revenue neutral tax rate is required. He explained that the revenue neutral rate is calculated at 45.17 cents per one hundred dollars of valuation. He further explained that the revenue neutral rate is a complex calculation and there is no requirement to adopt it. Discussion related to sales tax computations, the impact of Lidl and the effect of growth on the City's tax base followed. Council Members discussed animal shelter expenses and the grant support for the additional police officer included in the proposed budget. Council asked that Staff seek an updated agreement for the animal shelter.

Mr. Maness presented an overview of the Water and Sewer Fund where it was stated that the Fund continues to experience financial success and therefore no increase in water and sewer rates is recommended. He highlighted revenues from various interlocal agreements as well as \$853,000 in capital improvements which represents a significant increase to address aging infrastructure.

The Garage Fund was discussed with no change proposed to existing operations. A \$4 increase to \$74 in the labor rate is proposed to offset increases in personnel costs.

Council Members turned attention again to revenues in the General Fund where discussion of precise and conservative revenue estimates were critical to successful financial operations. Specifically it was noted that the Property Tax, Sales Tax and Utility Franchise Taxes combined make up more than two-thirds of total revenues. An explanation of the combining of Recreation revenues was presented by Recreation and Parks Director Brian Faucette.

Among discussions of expenditures in the General Fund; Fire Department floor repairs, additional personnel in the Planning Department, another welcome sign, a downtown small area plan, Police Department Server relocation and an allocation to ACTA received consideration. Following discussion, a majority consensus agreed to make the following changes to the recommended budget: an addition of \$10,000 to begin the process of siting a new welcome sign and \$36,000 to convert the permanent part-time Planner position to full-time. Mr. Maness indicated he would make the necessary adjustments to the expenditures and meet the additional funding requirement from the fund balance appropriation.

At 12:23 p.m. Council Member Griffin McClure made a motion to adjourn, seconded by Council Member Chip Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JUNE 6, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 6, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Ryan Allshouse, Administrative Intern
Frank Glover, Planning Intern
Lorrie Andrews, Human Resources Manager

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

Consent Agenda:

- a. Approval of Minutes – May 17, 2017 Regular Session*
- b. Approval of Minutes – May 16, 2017 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE COUNCIL MEETING				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
657652	2016	FOUST, VANCE S	BOAT NO IN CITY OF GRAHAM	7.21
657652	2016	FOUST, VANCE S	BOAT MOTOR NOT IN CITY OF GRAHAM	5.01

- d. Approve request from Graham Recreation & Parks to close the 100 block of West Elm Street on June 29, 2017, July 6, 2017, July 13, 2017, July 20, 2017, August 3, 2017, August 10, 2017, August 17, 2017, September 7, 2017 and September 21, 2017 from 5:00 p.m.-11:00 p.m. for rain dates for the 2017 Thursday at Seven Concert Series*

Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Public Hearing: Adoption of Budget Ordinance for FY 2017-2018:

Mayor Peterman advised that he was moving this item up on the agenda so that those in attendance would have a chance to learn about and comment on the adoption of the Budget Ordinance for FY 2017-2018. City Manager Frankie Maness gave a brief overview of the three operating funds that make up this \$20,045,000 budget – General Fund, Water & Sewer Fund and the Garage Fund. He added that this budget calls for the tax rate, the water and sewer rates and the level of services to remain unchanged. Mr. Maness stated that the labor rate for the City Garage will see an increase of \$4.00 per hour, raising that rate to \$74.00 per hour.

Following Council Members asking Mr. Maness to explain what the revenue neutral tax rate is, transfers between funds, fund balance and economic growth, Mayor Peterman opened the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Lee Kimrey made a motion to adopt the Budget Ordinance for Fiscal Year 2017-2018, seconded by Council Member Turner. All voted in favor of the motion.



City of Graham Budget Ordinance FY 2017-2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM,
NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, in accordance with the Chart of Accounts heretofore established for the City:

City Council	45,200
Administration	514,100
Information Technology	307,400
Finance	384,700
Public Buildings	202,300
Police	3,743,600
Fire	914,300
Inspections	484,600
Traffic Engineering	29,100
Garage and Warehouse	86,300
Streets & Highways	1,605,100
Street Lights	121,000
Sanitation	848,900
Recreation	805,100
Lake	174,200
Athletic Facilities	227,000
Property Maintenance	741,900
Non-Departmental	987,600
	12,222,400

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018.

CURRENT YEAR TAX	4,500,000
PRIOR YEAR TAXES	45,000
VEHICLE TAXES	450,000

PRIOR YEAR VEHICLE TAXES	1,000
PY VEHICLE INT & COLL FEES	500
PAYT LIEU TAXES	26,000
STORM WATER FEE	121,000
TAX COST & INTEREST	23,000
DEVELOPMENT FEES	1,000
SALE OF SURPLUS PROPERTY	20,000
PRIVILEGE LICENSE	100
MISCELLANEOUS GRANTS	100
INTEREST ON INVESTMENTS	35,000
SCHOOL RESOURCE OFFICER	110,000
POLICE DONATIONS/GRANTS	100,000
MISCELLANEOUS INCOME	45,000
INSURANCE PROCEEDS	1,000
FRANCHISE TAX	990,000
BEER AND WINE TAX	62,000
POWELL BILL	385,000
LOCAL SALES TAX	3,127,500
SOLID WASTE DISPOSAL TAX	8,700
ABC REVENUES	70,000
BLDG & ELECT PERMITS	85,000
RECREATION DONATIONS	8,000
REFUSE FEES	304,000
CEMETERY REVENUE	42,000
RECREATION INCOME	100,000
RECREATION RENTALS	19,000
GRAHAM MEBANE LAKE	31,000
COURTS & FINES	15,000
RENT ON CITY PROPERTY	28,000
MEBANE LAKE REVENUE	75,000
FUND BALANCE	888,500
NCCP	255,000
TRANSFER FROM WATER FUND	250,000
FUND TOTAL	12,222,400

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations and activities for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, in accordance with the Chart of Accounts heretofore established for the City:

WATER AND SEWER BILLING	764,600
WATER AND SEWER DISTRIBUTION	1,479,700
MAINTENANCE & LIFT STATION	326,700
WATER TREATMENT PLANT	1,854,800
WASTEWATER TREATMENT PLANT	1,248,000
NON DEPARTMENTAL ADMIN	1,337,300
	7,011,100

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018.

SALE OF SURPLUS PROPERTY	1,000
INTEREST ON INVESTMENTS	20,000
SEWER SURCHARGES	15,000
OUTSIDE SEWER SURCHARGES	42,000
WATER ACERAGE & CON. FEES	15,500
SEWER ACERAGE & CON. FEES	15,500
WATER CHARGES	2,750,000
SEWER CHARGES	2,660,000
PLUMBING PERMITS & INSPECTIONS	12,000
WATER AND SEWER TAPS	5,000
WATER & SEWER ASSESSMENTS	100
MISCELLANEOUS INCOME	5,000
FUND BALANCE	50,000
CUT OFFS	91,000
SALE/LEASE OF PROPERTY	27,000
MEBANE REVENUE	800,000
WATER PLANT EQUALIZATION	127,000
WWTP PAYMENT-Mebane	200,000
SWORDFISH-ALAMANCE COUNTY	100,000
NCCP	75,000
	7,011,100

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	811,300
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Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018.

ALA CO FUEL	213,200
CITY OF GRAHAM PARTS	188,400
CITY OF GRAHAM LABOR	157,800
CITY OF GRAHAM FUEL	172,100
GRAHAM HOUSING PARTS	4,600
GRAHAM HOUSING LABOR	100
GRAHAM HOUSING FUEL	5,000
ACTA PARTS	25,000
ACTA LABOR	30,400
GREEN LEVEL PARTS	1,300
GREEN LEVEL LABOR	2,600
GREEN LEVEL FUEL	7,400
ABC PARTS	100
ABC LABOR	100
ABC FUEL	2,400
SALE OF SURPLUS PROPERTY	100
INTEREST ON INVESTMENTS	600
MISCELLANEOUS INCOME	100
Total	\$811,300

Section 7. The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
Cemetery Trust Fund	0	0
Federal Drug Monies	100	100
State Drug Monies	100	100

Section 8. There is hereby levied a tax at the rate of \$.455 per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2017 for the purpose of raising the Revenue listed as "Current Year Tax" and "Vehicle Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$1,122,000,000 (100% valuation) with anticipated collection rate of 97%.

Section 9. There is hereby an hourly labor rate of \$74 established for the operation of the Garage Fund.

Section 10. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

Section 11. Copies of this Ordinance shall be furnished to the City Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of City Funds.

Adopted this 6th day of June 2017.

Old Business:

- a. **Public Hearing: Appearance Commission (AM1701). Request by the City of Graham Appearance Commission to rewrite their enabling Ordinance***
- i. **Approve Ordinance Amendment***

Assistant City Manager Aaron Holland reminded Council that this item was originally brought before them at the April 4, 2017 City Council meeting. He added that per Council's directive, Staff amended some of the language and also had the Appearance Commission and Tree Board vote on the proposed language prior to this meeting. Mr. Holland advised that the Appearance Commission asked for the amendment to include nine members versus the seven that the original proposal included and that both boards had approved this amendment as written.

Council Members questioned the Appearance Commission's request to have nine members versus seven, as originally proposed. Council Member McClure, who serves as the Council Liaison on the Appearance Commission, stated that he believed the change was to allow for members with expiring terms this month to not be turned away should they want to be considered for reappointment.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member McClure made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

- b. **Mission, Vision and Values Statements:***

- i. **Adopt Resolution establishing Mission, Vision and Values Statements for the City of Graham***

Human Resources Manager Lorrie Andrews explained that during last month's City Council meeting, HR intern Dakota DaYent presented a draft Mission, Vision and Values statement for the City of Graham as part of his undergraduate coursework at Elon University. When used properly the Mission, Vision and Value statements can be very powerful tools in strategic planning, service delivery and personnel management. They are inspiring words developed by our own employees and managers to clearly and concisely convey the purpose, direction and driving force behind our City operations.

By creating clear, meaningful and reflective statements such as these, we can communicate our intentions and motivate and inspire our employees to ensure they understand the objectives of our organization, to make consistent everyday decisions and to achieve “buy-in” to new directions. City employees will gain a sense of pride in working as part of an organization that stands for something and are united by a common sense of purpose.

Council Member Kimrey asked Mr. Maness to explain what the collection systems permit is. Mr. Maness stated that the permit is for the conveyance of sewer.

Mayor Pro Tem Jimmy Linens made a motion to approve the Resolution establishing Mission, Vision and Values statements for the City of Graham.

**RESOLUTION ESTABLISHING MISSION, VISION AND VALUES STATEMENTS
FOR THE CITY OF GRAHAM**

WHEREAS, mission, vision and value statements can be very powerful tools in strategic planning, service delivery and personnel management; and

WHEREAS, these words of inspiration clearly and concisely convey the purpose, direction and driving force behind our City operations by creating clear, meaningful and reflective statements that ensure understanding of the City’s organizational objectives;

WHEREAS, employees, supervisors and City Council members participated in a survey used to establish the mission, vision, and values for the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:

Section 1. The following Mission Statement is adopted for the City of Graham:

We are dedicated to creating an attractive, safe, and great place to reside, work, and play. We are committed to efficiently providing exceptional services to our employees and citizens.

Section 2. The following Vision Statement is adopted for the City of Graham:

To establish our identity, plan for our future, preserve our history, and enhance our quality of life.

Section 3. The following Values Statement is adopted for the City of Graham:

Integrity – Honesty and ethics guide our behavior and decisions.

Identity - We recognize that it is not our own perception of who we are, it is our citizens’ perceptions that are the most important.

Respect – We will treat all people equally and with dignity.

Reliability – We will consistently and readily provide quality services.

Team Work – We will work together to get the job done.

Adopted this the 6th day of June, 2017.

Requests and Petitions of Citizens:

- a. Petition for Voluntary Contiguous Annexation for a portion of the Lacy Ridge Subdivision property on Lacy Holt Road (AN1701):*
- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

City Planner Nathan Page explained that this is a request from Mr. Chris Foust to annex portions of two lots on Lacy Holt Road into the corporate limits of the City of Graham. He added that water and sewer are available at the property and the applicant intends to tie into both systems. Mr. Page stated that the annexation process has multiple steps with this being the first step in the annexation process.

Following a brief discussion between Council and Staff with regards to the possibility of a private lift or pump station, Council Member McClure made a motion to approve the Resolution directing the Clerk to investigate a petition received under G.S. 160A-31 for a portion of two parcels on Lacy Holt Road, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Turner made a motion to approve the Resolution fixing date of Public Hearing on question of annexation pursuant to G.S. 160A-31 for a portion of two parcels on Lacy Holt Road, the date being July 11, 2017. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A PORTION OF THE LACY RIDGE SUBDIVISION PROPERTY ON LACY HOLT ROAD (AN1701)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on February 21, 2017, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A PORTION OF THE LACY RIDGE SUBDIVISION PROPERTY ON LACY HOLT ROAD (AN1701)

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Graham, North Carolina that:

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00 pm on July 11, 2017.

Section 2. The area proposed for annexation is described as follows:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING AT A NEW IRON PIPE ON THE WESTERN RIGHT OF WAY OF LACY HOLT ROAD, THENCE ALONG SAID RIGHT OF WAY, S 42° 48' 18" W, A DISTANCE OF 554.94' TO A NEW IRON PIPE, THENCE WITH THE NORTHERN RIGHT OF WAY OF KNIGHTDALE DRIVE, S 54° 17' 27" W, A DISTANCE OF 250.20' TO A NEW IRON STAKE, THENCE N 41° 48' 18" W, A DISTANCE OF 608.14 TO A NEW IRN PIPE, THENCE 65° 54' 29", A DISTANCE OF 262.14' TO A NEW IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 3.31± ACRES, (0.0052 SQUARE MILES) AS SHOWN ON SURVEY BY CAROLINA CORNERSTONE SURVEYING, TITLES CORPORATE LIMITS EXTENSIONS OF CITY OF GRAHAM, GATED 05/15/17, JOB# 160512ANNEXATION.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Recommendations from Planning Board:

- a. ***Public Hearing: Disash Business (RZ1701). Request by Frank Longest to rezone property located at 602 East Harden Street from Residential Multifamily R-MF to General Business B-2***

Mr. Page advised that this item had been tabled by the Planning Board at their May meeting, but due to the required Public Notice posted in the newspaper, we had to include it on tonight's agenda.

With no comments forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Keith Hinton of 603 East Harden Street stepped forward to address Council. He expressed concern with the value of his property should that applicant wish to put apartments on this property. Mr. Maness informed Mr. Hinton that the property is already zoned for apartments and that the applicant is actually requesting a change from multifamily to non-multifamily. Mayor Peterman urged Mr. Hinton to attend the July Council meeting, should Council postpone this item.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing and Council Member Kimrey made a motion to postpone this item until they receive a formal recommendation from the Planning Board. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: Riverwalk Sign (CR1702). Request by Harendra J. Patel to rezone property located at 1202 Raspberry Run from Medium Density Residential R-15 within the Highway 54 Overlay District to Conditional Residential C-R

Planning Intern Frank Glover explained that this a request to rezone the subject property from Medium Density Residential R-15 to Conditional Residential C-R. He added that the property is within the Harden Street Overlay and the applicant is proposing to “allow for a single sign being located inside (east) of the common property line and the Harden Street/Hwy 54 right-of-way.” The proposed Conditional Rezoning would not change the existing single family residence on the said property. The property is currently functioning only as a single family residence.

Council Members and Staff briefly discussed the City’s current regulations regarding a sign of this nature. Mr. Maness stated that outdoor advertising in this overlay district is prohibited. Council Members asked Mr. Page about available options to the applicant. Mr. Page stated the Ordinance allows for a six square foot real estate sign and the sign that the applicant would like to place on this property is 32 square feet. With no further discussion, Mayor Peterman opened the Public Hearing.

Mr. Ned Pierce of 3215 Hobbs Landing Court, Greensboro stepped forward to address the Council. He informed them that he is currently building phase II of the Riverwalk Subdivision and is looking to advertise the townhomes located in the rear section of the subdivision. He expressed concern that the lack of a sign makes it difficult to market the properties. He indicated that he and his investors have worked with the current homeowners in the subdivision to make the entrance more attractive.

Ms. Elaine Murrin of 1213 Raspberry Run and Mr. John Langford of 1218 Raspberry Run stepped forward and asked Council to deny this request. Mr. Michael Blackwell of 1104 Knightbridge Court stepped forward and asked Council to approve this request. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

After Council Members consulted with City Attorney Keith Whited, Council Member Lee Kimrey made a motion that the application be denied, the application is not fully consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Sets dangerous precedent for the future. Council Member Turner seconded the motion and all voted in favor of the motion.

c. Public Hearing: Food Trucks (AM1703). Request by Debarah Wilson to amend the table of permitted uses for the B-1 (Central Business District) in the City of Graham Development Ordinance to permit food trucks

Mr. Page explained that Ms. Debarah Wilson has proposed amending the permitted uses for the B-1 (Central Business District) in the Development Ordinance. Ms. Wilson states that the “request is being made to assist business owners, organizations, and citizens of Graham who request using the City of Graham for an event or festival the ability to allow food trucks at events planned in Downtown Graham.”

Currently, all Temporary Outdoor Sales are prohibited, from Girl Scout Cookies to mattresses. Mr. Page added that in addition to Ms. Wilson's original language, Staff and the Planning Board have drawn up two alternate proposals for Council to consider. The Staff proposal would add text to the Code of Ordinances under a new section within the Streets and Sidewalks called Temporary Outdoor Sales and would restrict distance from businesses, hours of operation, permitted zones, sound, unattended sales, fee for site disturbance and signage. The Planning Board's proposal states that the restrictions do not apply to farmers selling goods grown on their own property, nor to schools, approved educational, religious or charitable organizations, when the proceeds from such solicitation, in excess of the cost of the goods sold, goes to the fund of some approved educational or charitable organization. Mr. Page advised that Mr. Whited reviewed the Planning Board's proposal and recommended not saying non-profit but rather specify 501C3 or 501C4. Mr. Page stated that all of these requests presents a situation where we may be trying to add something to our Development Ordinance when it may belong in our Code of Ordinances. Council Members and Staff briefly discussed the language being proposed and alternative language should they approve one of the proposals, as well as the location of the B-1 Business District.

With no further questions, Mayor Peterman opened the Public Hearing.

Ms. Diana Huerta of 404 East Hanover Road stepped forward and encouraged Council to approve the language of the proposal by Ms. Wilson.

Mr. Brian Fisher of 148 Chuck Garner Trail and Mr. Chuck Talley of 808 Sideview Street stepped forward to express their concern with the City allowing food trucks. Both gentlemen operate restaurants in the B-1 District and feel that food trucks present an unfair advantage to those brick and mortar businesses that pay City taxes. Mr. Fisher stated that he'd like to see more clarity from Staff before anything should get approved while Mr. Talley stated that he believes food trucks are a fad.

Mr. Jason Cox of 200 North Main Street addressed Council and stated that while he does operate a restaurant in the B-1 District, he said Graham needs diversity if we want to create a destination. He encouraged Council to approve language that would allow for food trucks in some sort of capacity.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing and called for a five minute break in the meeting.

Following the break, Mayor Peterman reconvened the meeting. Council Member Kimrey made a motion that the text amendment be approved with the original amended language for a City approved and permitted event, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Encourages entertainment in the downtown area. Council Member Turner seconded the motion and all voted in favor of the motion.

Boards and Commissions Appointments:

Ms. Sperry explained that we are fortunate that this year we have more applications than vacancies for some of the boards and commissions.

ABC Board – 3 year term

Mayor Peterman made a motion to reappoint Robert Sykes, seconded by Council Member McClure. All voted in favor of the motion.

Appearance Commission – 3 year term

Mayor Peterman made a motion to reappoint Denise Baker, seconded by Council Member McClure. All voted in favor of the recommendation.

Appearance Commission – 2 year term

Council Member McClure made a motion to reappoint Helen Sharpe, seconded by Council Member Kimrey. All voted in favor of the recommendation.

Council Member McClure made a motion to reappoint Carla Smith, seconded by Council Member Turner. All voted in favor of the motion.

Canine Review Board – 3 year term

Council Member Kimrey made a motion to reappoint Daphne Younger, seconded by Mayor Pro Tem Linens. All voted in favor of the recommendation.

Graham Housing Authority – 5 year term

Mayor Pro Tem Linens made a motion to reappoint Carol DiLello, seconded by Council Member Kimrey. All voted in favor of the motion.

Historic Resources Commission – 4 year term

Council Member McClure made a motion to appoint Elaine Murrin, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Mayor Pro Tem Linens made a motion to appoint Jerry Perdue, seconded by Council Member Kimrey. All voted in favor of the motion.

Council Member McClure made a motion to reappoint Helen Sharpe, seconded by Council Member Kimrey. All voted in favor of the motion.

Mayor Pro Tem Linens made a motion to reappoint Grace Baldwin, seconded by Mayor Peterman. All voted in favor of the motion

Planning Board/Board of Adjustment – 3 year term

Council Member Kimrey made a motion to reappoint Bonnie Blalock, seconded by Council Member Turner. All voted in favor of the motion.

Mayor Pro Tem Linens made a motion to appoint Eric Crissman, seconded Council Member Kimrey. All voted in favor of the motion.

Planning Board/Board of Adjustment (ETJ) – 3 year term

Council Member Kimrey made a motion that Justin Moody be recommended for appointment by the Alamance County Commissioners, seconded by Mayor Pro Tem Linens. All voted in favor of the recommendation.

Recreation Commission – 3 year term

Council Member McClure made a motion to reappoint Brian Cutlip, seconded by Council Member Kimrey. All voted in favor of the motion.

Mayor Pro Tem Linens made a motion to reappoint Robert Kent Davis, seconded by Council Member McClure. All voted in favor of the motion.

Council Member McClure made a motion to reappoint LeAndra Ratliff, seconded by Council Member Turner. All voted in favor of the motion.

Tree Board – 3 year term

Mayor Pro Tem Linens made a motion to reappoint Jeanette Beaudry, seconded by Council Member Kimrey. All voted in favor of the motion.

Mayor Peterman made a motion to appoint Rebecca Holmes, seconded by Council Member McClure. All voted in favor of the motion.

FY 2016-2017 Budget Amendments:

Mr. Maness explained that at the end of each fiscal year we take care of what he terms clean up amendments to our original budget ordinance in an effort to not exceed our appropriations. He presented Council with a list of amendments to departments, as we adopt our budget on a departmental basis.

Following a brief discussion about the increase in street lighting, Council Member Kimrey made a motion to approve the Budget Amendment Ordinance for Fiscal Year 2016-2017, seconded by Council Member Turner. All voted in favor of the motion.

CITY OF GRAHAM BUDGET AMENDMENT ORDINANCE 2016-2017					
BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2016 - 2017 Budget Ordinance shall be and is hereby amended as follows:					
Section 1.					
GENERAL FUND DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
City Council	53,200	53,200	-		
Administrative	453,600	504,275	50,675		
Information Technologies	276,300	276,300	-		
Finance	374,100	374,100	-		
Public Building & Ground	260,200	260,200	-		
Police Department	3,470,500	3,470,500	-		
Fire Department	846,200	846,200	-		
Inspections	413,100	413,100	-		
Traffic Engineering	29,100	29,100	-		
Garage Warehouse	83,600	83,600	-		
Street Department	1,397,900	1,412,800	14,900		
Street Lights	116,000	138,500	22,500		
Sanitation	926,900	926,900	-		
Recreation	906,400	910,900	4,500		
Graham-Mebane Lake	182,100	182,100	-		
Athletic Facilities	166,900	166,900	-		
Property Maintenance	662,100	662,100	-		
Non-Departmental	1,053,300	1,053,300	-		
	11,671,500	11,764,075	92,575	-	92,575
Section 2.					
GENERAL FUND REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Current Year Tax	4,300,000	4,365,575	65,575		
Building and Electrical Permits	85,000	107,500	22,500		
Recreation Rentals	16,000	20,500	4,500		
	4,401,000	4,493,575	92,575	-	92,575
Adopted this 6th day of June 2017					

Issues Not Included on Tonight's Agenda:

Mr. Whited gave a brief update on the Graham-Mebane Lake lawsuits, stating that 11 cases have been closed to date.

Council Member Kimrey expressed concern for the lack of lane markings at the entrance/exit at Bill Cooke Park. Mr. Maness will have Staff look into the matter. Additionally, Council Member Kimrey asked for a consensus from Council to have Staff look into issues regarding cigarette smoke at Bill Cook Parke and how might the City be able to regulate smoking in our parks.

Mayor Peterman thanked Police Chief Jeff Prichard and his department for their work at a recently held rally in Court Square.

Debarah Wilson thanked Council and Staff for taking a stance on outside sales.

At 9:58 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
TUESDAY, JULY 11, 2017
7:00 P.M.**

The City Council of the City of Graham met in special session at 7:00 p.m. on Tuesday, July 11, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Frank Glover, Planning Intern
Ryan Allshouse, Administrative Intern
Duane Flood, Lieutenant Graham Police Department

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

Consent Agenda:

- a. Approval of Minutes – June 6, 2017 Regular Session*
- b. Tax Collector Year End Report*
- c. 2016 Outstanding Tax Listing*
- d. Approve Project Quarter Capital Budget Closeout*
- e. Approve D/DBP Water Plant Improvements Capital Project Budget Closeout*
- f. Appoint Robert Parris to the ABC Board. This appointment will fulfill the unexpired term of Larry Brooks*

Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull items “d” and “f”.

Council Member Turner made a motion to approve items “a”, “b”, “c” and “e” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Council Member Kimrey asked City Manager to explain the City’s part in the \$2.2 million roadway being built in the Hawfields area. Mr. Maness advised part of the incentive package with Lidl for the distribution center built in the North Carolina Commerce Park (NCCP) was to construct the balance of the roadway that NCDOT started. This connects Trollingwood-Hawfields Road to Governor Scott Farm Road. Mr. Maness added that Graham pays one-third of this cost, splitting it evenly with Alamance County and the City of Mebane and that we were able to secure grant assistance of approximately \$750,000. The City will manage the roadway for three years and then turn the roadway over to NCDOT.

With no further discussion, Council Member Kimrey made a motion to approve item “d”, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Kimrey asked City Clerk Darcy Sperry when the term expires on the ABC Board appointment before them. Ms. Sperry advised this term will expire in 2019.

With no further questions, Council Member Kimrey made a motion to approve item “F”, seconded by Council Member McClure. All voted in favor of the motion.

Consider Authorizing Participation to Fund a Federal Drug, Gun & Violent Crimes Prosecutor:

Mayor Peterman introduced Alamance County Sheriff Terry Johnson, Alamance County District Attorney Pat Nadolski and Alamance County Assistant District Attorney Jenna Early. Mr. Nadolski explained that the Alamance County District Attorney’s Office is seeking financial assistance from Alamance County, the City of Burlington, the City of Graham and the City of Mebane to create a position that will allow a State prosecutor to work as a dually-sworn prosecutor in the U.S. Attorney’s Office for the Middle District of North Carolina. He added that besides saving the community from more crime, this would save local money in the long run because violent offenses require a lot of the paid time for police and lawyers to investigate and prosecute. Repeat offenders demand a lot of these investigations, so it saves money, at least locally, to keep them in prison.

Council Members engaged in a lengthy discussion with Mr. Nadolski about this proposal. Among items discussed were the number of violent crimes committed in Graham in 2016, State and Federal funding for prosecutors, benefits to the citizens of Graham and other municipalities who may be participating in a program of this nature.

Graham Police Lieutenant Duane Flood asked Council for their support on behalf of his department. He informed Council that hardened criminals are not afraid of the State sentences handed out. Lt. Flood stated violent crime is here and we need a way to get criminals off the street.

Council Member Kimrey stated it is difficult for him to go back to the citizens of Graham and ask them to pay for something their tax dollars are already paying for, adding that this issue should be handled at the State and Federal level.

With no further discussion forthcoming, Mayor Peterman made a motion to authorize the City Manager to enter into an agreement with the NC Administrative Office of the Courts (AOC) to fund a Federal Drug, Gun and Violent Crimes Prosecutor and be provided with quarterly statements and an annual review, seconded by Council Member McClure. Ayes: Mayor Peterman, Council Member McClure, Mayor Pro Tem Jimmy Linens and Council Member Turner. Nays: Council Member Kimrey. Motion carried 4:1.

Old Business:

- a. **Public Hearing: Disash Business (RZ1701). Request by Frank Longest to rezone property located at 602 East Harden Street from Residential Multifamily R-MF to General Business B-2***

Planning Intern Frank Glover explained that this property is surrounded by two development types; a large multi-family tract and suburban residential across Harden Street. This request is to rezone a portion of the property from R-MF to all B-2. The lot is currently occupied by a duplex. The stated reason for this rezoning request is to “...permit use of the property for any use permitted by right in a B-2 zone.” There is concern for how this property will be served by sewer.

Mayor Peterman informed Council that he lives one block from this rezoning but doesn't feel it will affect his decision. By consensus Council agreed that Mayor Peterman did not have to recuse himself. Following a brief discussion between Council and Staff, Mayor Peterman opened the Public Hearing.

Mr. Frank Longest of the law firm Holt, Longest, Wall, Blaetz & Moseley stepped forward on behalf of the applicant. Mr. Longest stated that there have been some concerns that have come up after the Planning Board gave a favorable recommendation for approval and therefore requested that Council table this item to the August 1, 2017 Council meeting.

Mr. Travers Webb stepped forward and stated that if Council chooses to table this item, it may hold up the closing for a project he is currently working on in the same area.

Mr. Mike Conklin of Johnson Avenue Graham, Mr. Kevin Hinton of 603 East Harden Street Graham and Jan Searls of 526 East Pine Street Graham all stepped forward to share their concerns with this rezoning request. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion to continue the Public Hearing to the August 1, 2017 regularly scheduled meeting, seconded by Council Member Turner. All voted in favor of the motion.

Requests and Petitions of Citizens:

- a. **Public Hearing: Petition for Voluntary Contiguous Annexation at Lacy Holt Road (AN1701):***
 - i. **Approve Annexation Ordinance***

Assistant City Manager Aaron Holland explained that at last month's Council meeting, Council directed the City Clerk to investigate sufficiency of a petition received as well as set the date for a Public Hearing for this annexation request. The attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the six parcels located off Lacy Holt Road (approximately 3.3 acres). This area is proposed to be within the Lacy Ridge Subdivision. The Annexation Petition was filed while there were two lots in this area, but the developer has subdivided the area into six lots for their first phase of development, as approved by City Council on September 6th, 2016.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member Kimrey made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for the six lots on Lacy Holt Road, seconded by Council Member Turner. All voted in favor of the motion.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR SIX LOTS ON LACY HOLT ROAD

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on July 11, 2017, after due notice by publication on June 29, 2017; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of July 11, 2017:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING AT A NEW IRON PIPE ON THE WESTERN RIGHT OF WAY OF LACY HOLT ROAD, THENCE ALONG SAID RIGHT OF WAY, S 42° 48' 18" W, A DISTANCE OF 554.94' TO A NEW IRON PIPE, THENCE WITH THE NORTHERN RIGHT OF WAY OF KNIGHTDALE DRIVE, S 54° 17' 27" W, A DISTANCE OF 250.20' TO A NEW IRON STAKE, THENCE N 41° 48' 18" W, A DISTANCE OF 608.14 TO A NEW IRN PIPE, THENCE 65° 54' 29", A DISTANCE OF 262.14' TO A NEW IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 3.31± ACRES, (0.0052 SQUARE MILES) AS SHOWN ON SURVEY BY CAROLINA CORNERSTONE SURVEYING, TITLES CORPORATE LIMITS EXTENSIONS OF CITY OF GRAHAM, GATED 05/15/17, JOB# 160512ANNEXATION.

- b. Petition for Voluntary Contiguous Annexation for property located at 1004 Woody Drive (AN1702):*
- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

Mr. Holland explained that the annexation process has multiple steps with this being the first step in the annexation process. He added this petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is a parcel located at 1004 Woody Drive, as well as five adjacent lots (approximately 14.3 acres).

With no comments forthcoming, Council Member McClure made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for Property at 1004 Woody Drive, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Council Member Turner made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for Property at 1004 Woody Drive, the date being August 1, 2017. Council Member McClure seconded the motion and all voted in favor of the motion.

c. Request by Juanita Ray to tap on to the City's water system for property located at 1342 Jimmie Kerr Road

Mr. Holland explained that on rare occasions, the City of Graham has allowed properties outside the City limits to connect to the water/sewer systems. This is normally reserved for non-contiguous properties while contiguous properties have required annexation. This authorization comes through the Code of Ordinances, Section 13-41. With the extension of the waterline along Jimmie Kerr Road, Ms. Juanita Ray has requested permission to tap onto the City's water line without annexation. At this time, the City does have a garbage truck which operates in the vicinity and the capacity to provide water but not sewer to 1342 Jimmie Kerr Road. Police and Fire currently patrol and respond to Alamance Community College. Ms. Ray's property is considered contiguous to the existing city limits. Mr. Holland advised that Staff has recommended denial for this request.

With Ms. Ray not in attendance at this meeting, Council Members were reluctant to proceed with this request, as some had questions for Ms. Ray. Council Member McClure made a motion to table this item to the August 1, 2017 Council meeting and requested that Staff reach out to Ms. Ray and request she attend the August meeting. Council Member Kimrey seconded the motion and all voted in favor of the motion.

Recommendations from Planning Board:

a. Public Hearing: Watercourse Phase II (CR1703). Request by Kirk Bradley of Eco Watercourse to rezone 14.3 acres in the vicinity of 1000 Woody Drive from General Business B-2, Low Density Residential R-19 and High Density Residential R-9 to Conditional Residential C-R

Mr. Holland stated this is a request to rezone the subject property from B-2, R-7 and R-18 to C-R, with a proposed use classified as Dwelling, Multi-Family. The project will include nine apartment buildings with 240 residential units, one maintenance building, three garage buildings and an amenity swimming pool complex. He added buildings will be three stories with an eave height of 32'±. The developer is requesting alternative compliance for building spacing as shown on the preliminary site plan. The request is also to add approximately 0.27 acres so that 20 additional parking spaces can be provided for the existing apartments. Access to the site will be provided via Woody Drive and Nelson Lane. Mr. Holland advised that Staff is recommending conditional approval.

A brief discussion between Council Members and Staff ensued. Council Member Kimrey referenced The Graham 2035 Comprehensive Plan and expressed concern with the lack of mixed use the Plan calls for with this request. Mayor Peterman opened the Public Hearing.

Mr. Joe Faulkner of 301 Glenwood Avenue Raleigh stepped forward to address Council on behalf of the applicant. Mr. Faulkner gave a brief overview of the project and fielded questions from Council Members. Mr. Faulkner was asked about buffer areas, the number of apartments, emergency exits, sign location, sidewalks and whether or not the applicant has given any consideration to mixed use commercial development. Mr. Faulkner stated that a monument sign along Harden Street is proposed and added that they would like to change the name of this complex to Waterside. He added that based on the traffic impact analysis prepared on site, it would be very expensive to add commercial development.

Mr. Kirk Bradley of 603 Carthage Street Sanford stepped forward to address Council on behalf of the applicant. Mr. Sanford is one of the managers of Eco Group and stated that they had a great experience with the Watercourse Phase I project and is looking forward to bringing another project to Graham. Council Member Kimrey asked Mr. Bradley what his thoughts are about mixed use development. Mr. Bradley stated that the cost to add commercial to this site is high and he does not see commercial development as a good fit for this particular site.

Ms. Kathy Hall of 1202 Noah Road Graham, Mr. Paul Keller of 410 Stonehedge Drive Graham and Mr. Mike Matteson of 1104 Castle Drive all stepped forward and encouraged Council to deny this request. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Following a brief discussion between Council Members, Council Member Kimrey made a motion that the application be denied, that the application is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: It does not provide any mixed uses that are designated in our Comprehensive Plan and in Commercial Mixed Use Districts. Being no second, Mayor Peterman stated that the motion dies for lack of a second. Mayor Pro Tem Linens made a motion that the application be approved with the following conditions:

- Two hydrants to be installed on Woody Drive, as requested by Fire Chief
- Landscaping on Nelson Lane to be Type B, to increase buffer from interstate traffic;

And the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion. Ayes: Mayor Pro Tem Linens, Council Member Turner, Mayor Peterman and Council Member McClure. Nays: Council Member Kimrey. Motion carried 4:1.

First Reading: Code of Ordinances Amendment:

a. Amend Code of Ordinances to require Encroachment Permit for Permanent Improvements

Mr. Holland explained that per Council's directive, Staff has looked at language for Encroachment Permits within the public right-of-way. The City currently has an ordinance that addresses temporary dining within the public right-of-way. What is brought before Council at this meeting is a draft ordinance that would allow for individuals to encroach legally in the City's right-of-way areas within the Central Business District B-1. Mr. Holland advised that Staff's recommendation is to receive input and conduct secondary legal review and to schedule a second reading for August 1, 2017. He concluded by stating this ordinance will require a 4/5ths vote to pass during the first reading.

Council Member Kimrey asked to be recused due to a current project he has on file with the City that may result in direct financial gain. Mayor Peterman made a motion to recuse Council Member Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

By consensus, the remaining Council Members agreed to schedule a second reading of this ordinance amendment. Council Member McClure made a motion to move a second reading of the Ordinance amendment to Chapter 18, Article I., (Streets, Sidewalks, and Other Public Places) of the Code of Ordinances to require an Encroachment Permit for permanent improvements be scheduled for August 1, 2017, seconded By Mayor Pro Tem Linens. All voted in favor of the motion. Without objection, Council Member Kimrey rejoined the Council.

Issues Not Included on Tonight's Agenda:

Mr. Brad Monbie of 625 New Street Graham, Ms. Shannon Craddock, Mr. Denne Craddock and Mr. Craig Cather of 626 New Street Graham and Ms. Katherine Caudell-Graves of 622 New Street Graham expressed concern with a neighbor. Complaints of people living inside a trailer on the property located at 623 New Street and allegations of illegal activity at that same property were brought to Council's attention. Mayor Peterman advised that Staff would look into the allegations.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward to express concerns with the Encroachment Agreement as written. City Manager Frankie Maness and Mayor Peterman advised that this was a first reading and Ms. Talley's concerns will be taken into consideration before the second reading on August 1, 2017.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City Manager and City Attorney:

Mayor Peterman explained that Council would be going into closed session to review the performance of the City Manager. He added that due to City Attorney Keith Whited being absent from this meeting, Council would review his performance at a later date.

At 10:24 p.m., Council Member Kimrey made a motion to go into Closed Session to Consider the Performance of the City Manager Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6), seconded by Council Member Turner. All voted in favor of the motion.

At 10:38 p.m., Council Members returned from Closed Session and Mayor Peterman reconvened the Regular Session meeting.

Council Members took turns expressing their appreciation for the exceptional job Mr. Maness has done for the City. They stated that they are proud of what Mr. Maness has accomplished his five years as Graham's City Manager and couldn't be more pleased with his performance.

Mayor Peterman made a motion to increase Mr. Maness' salary by 3.4% effective July 1, 2017, seconded by Council Member Kimrey. All voted in favor of the motion.

Issues Not Included on Tonight's Agenda (Continued):

Mr. Maness thanked Council for their support, adding that he is proud of what the City has been able to accomplish. He briefly updated Council on the progress of a secondary access at the Wastewater Treatment Plant.

Council Member Kimrey asked Mr. Maness and Council to consider upgrading technology to allow for the live streaming of meetings. Mayor Peterman stated that we would look into this during next year's budget cycle.

Council Member Turner reminded Council of former Mayor Vic Euliss' funeral to be held on July 13, 2017.

Council Member McClure encouraged Council Members to reach out to former Appearance Commission Chair Elaine Murrin and thank her for her service to that Commission.

Mayor Pro Tem Linens expressed concern with the comments made from the residents on New Street and asked Staff to address those tomorrow. Mr. Maness assured Council that would happen.

At 10:50 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, AUGUST 1, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 1, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Ryan Allshouse, Administrative Intern
Jeff Prichard, Graham Police Chief
Ben Edwards, Graham Police Sergeant

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

a. Approval of Minutes – July 11, 2017 Special Session

Mayor Peterman explained that City Clerk Darcy Sperry had brought to his attention that in the first sentence, the word “regular” should read “special” and therefore made a motion to amend the minutes, seconded by Council Member Chip Turner. All voted in favor of the motion.

Council Member Griffin McClure made a motion to approve the Consent Agenda with the change, seconded by Council Member Turner. All voted in favor of the motion.

Old Business:

a. Public Hearing: Disash Business (RZ1701). Request by Frank Longest to rezone property located at 602 East Harden Street from Residential Multifamily R-MF to General Business B-2

Planning Director Nathan Page explained that this is an application to rezone property that currently has a duplex on it from Residential Multifamily R-MF to General Business B-2. He added that the stated reason for the request is to permit use of the property for any use permitted by right in the B-2 zone.

Council Member Lee Kimrey asked if anyone knew when this property had been rezoned to R-MF. Mr. Page stated that he believed it to be in the early 1980’s.

With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Frank Longest, attorney for the applicant stepped forward to address Council. Mr. Longest presented a slideshow to Council showing various pictures of the subject property and those surrounding it.

Mr. Longest stated that with all current and new proposed residences in this area, he and his client felt this is prime commercial property. He added that his client has been in discussion with various potential buyers, but that it would be premature to discuss until the property is rezoned.

Mayor Peterman advised that he does live across the street from this property but felt that he did not need to be recused, to which Council agreed. Council Members asked Mr. Longest about the current septic system serving the property and the duplex that is currently there. Additionally, Council Members asked Mr. Page what type of business could go in B-2. Mr. Page reminded Council that anything Mr. Longest might say with regards to what might potentially go into that property is not legally binding. He stated it would be easier to read what couldn't go there versus what could and proceeded to read that list.

Mr. Kevin Hinton of 603 East Harden Street, Mr. Arnez McDaniel of 526 Ward Street, Ms. Jan Searls of 526 East Pine Street, Mr. Travers Webb of 619 East Harden Street and Ms. Jennifer Talley of 808 Sideview Street expressed concern with this rezoning request. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey asked Mr. Page to read the definition of the Highway 54 Overlay District. Additionally, he spoke of site readiness and referenced The 2035 Comprehensive Plan's call for mixed use development in this area. Mayor Peterman stated that this property is one of Graham's most historic homes, having once been owned by Mr. Tom Zachary. He expressed concern with line of sight should Council approve this request. Council Member McClure asked Staff about spot zoning, the time table for the applicant to reapply if the rezoning should be denied and the current septic system. Council Member Turner inquired about NCDOT driveway cuts.

With no further discussion forthcoming, Council Member Kimrey 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 reason: It fits The Comprehensive Plan and provides the start of mixed commercial use in this district. Mayor Pro Tem Jimmy Linens seconded the motion. Ayes: Council Member Kimrey and Mayor Pro Tem Linens. Nays: Mayor Peterman, Council Member McClure and Council Member Turner. Motion failed 3:2.

Council Member McClure made a motion that the application be denied, the application is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: Existing zoning reflects the Plan. Council Member Turner seconded the motion. Ayes: Council Member McClure, Council Member Turner and Mayor Peterman. Nays: Mayor Pro Tem Linens and Council Member Kimrey. Motion carried 3:2.

b. Second Reading Code of Ordinances Amendment: Amend Code of Ordinances to require Encroachment Permit for Permanent Improvements

Assistant City Manager Aaron Holland explained this is the second reading of a text amendment to the Code of Ordinances. He added that the City currently does not have language that allow uses permanent in nature to be placed within the public right-of-way of the central business district (B-1) other than for temporary purposes as described in Article VII of the Code of Ordinances- *Downtown Outdoor Displays, Dining and Other Temporary Encroachment*.

Mr. Holland stated that this ordinance amendment would require any interested party in the B-1 district who wishes to encroach within the right-of-way with a use permanent in nature to obtain an Encroachment Permit from the City Manager or his designee.

The Encroachment Permit will provide the permit-holder permission to use a specific portion of the right-of-way until and Encroachment Permits will be revocable at any time in the interest of public safety. Mr. Holland advised that Staff does recommend approval.

Mr. Holland advised Council that concerns raised by Ms. Talley at last month's meeting had been addressed with Ms. Talley and he passed out a list of those concerns to Council. Mayor Peterman asked if Ms. Talley's concerns had been settled. Mr. Holland stated that Staff had met with Ms. Talley and believed some of her concerns had been resolved.

Council Member Kimrey informed Council that he does have a direct financial interest in this and asked to be recused. Council Member Turner motion to recuse Council Member Kimrey, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Mayor Peterman opened the discussion to the floor. Ms. Talley expressed concern that when spoke to Staff, she felt everyone was on the same page and wanted the same outcome, however, she does not agree with what is put on paper. She stated that City Attorney Keith Whited agreed with her earlier in the day that some of the language needs addressed. She is concerned about the lack of an appeal process and the insurance requirements in the proposed language. Ms. Talley asked for the Ordinance to contain language that allows for the City Council to hear an appeal. Ms. Talley expressed concern with current encroachments and how they will be handled going forward.

Following a brief discussion between Council Members and Staff, Mayor Pro Tem Linens made a motion to table this item and recommended that Staff looks into language that addresses an appeal process, insurance regulations and keeping current encroachments as is. Council Member Turner seconded the motion and all voted in favor of the motion.

c. Request by Juanita Ray to tap on to the City's water system for property located at 1342 Jimmie Kerr Road

City Manager Frankie Maness reminded Council that this request was discussed last month and tabled to this month to determine whether or not we would allow a water connection to a property that is contiguous to the City without annexation. Mr. Maness advised that historically speaking, we require our contiguous properties to annex into the City to access City services. He added that the applicant is requesting that she be able to tap into the City's water distribution line without annexation into the City.

Council Members discussed with Mr. Maness costs, other available City services and whether or not we can require annexation if all services are not available. In this particular case, Mr. Maness advised that all services are available with the exception of sewer at this time. He stated that we have plenty of properties within the City limits that currently are not tied into our sewer system.

Mr. Craig Robertson of 412 Springwood Avenue Gibsonville stepped forward on behalf of the applicant. He advised that the applicant is his mother-in-law. He explained that three years ago, Ms. Ray lost her home in a fire. The water system the contractor installed after the fire is pumping in red, gritty water. Ms. Ray does not want to be annexed into the City.

Mr. Maness asked Council Members to consider what has been done in the past and how this decision might affect future growth. Council Members agreed that they would be setting a dangerous precedent if they approve this request.

Council Member Kimrey made a motion to permit the property at 1342 Jimmie Kerr Road to tap City of Graham water lines upon a valid petition for annexation seconded by Council Member Turner. All voted in favor of the motion.

Requests and Petitions of Citizens:

a. Public Hearing: Petition for Voluntary Contiguous Annexation for property located at 1004 Woody Drive (AN1702):

i. Approve Annexation Ordinance

Mr. Page explained that this petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is a parcel located at 1004 Woody Drive, as well as five adjacent lots (Approximately 14.3 acres). He added that the annexation process has multiple steps. Following a public hearing, approval of the Annexation Ordinance is the final step for Council in the annexation process.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member McClure made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for the parcels consisting of 14.3 acres including 1004 Wood Drive, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

**ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR PROPERTY AT 1004 WOODY DRIVE (AN1702)**

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on August 1, 2017, after due notice by publication on July 20, 2017; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of August 31, 2017:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS "CASTLE" (PID: DG7052) AND HAVING NC GRID COORDINATES OF NORTHING: 841,524.06' & EASTING: 1,890,628.36'; THENCE N79°22'08"W A GRID DISTANCE OF 2737.34' TO A 5/8" IRON REBAR FOUND 0.1 FEET, ABOVE THE ADJACENT GRADE; SAID IRON LYING ON THE NORTHERN MARGIN OF WOODY DRIVE (NCSR 2106) HAVING A 60 FOOT PUBLIC RIGHT OF WAY, BEING THE SOUTHWESTERN MOST CORNER OF LUTHER SHOFFNER FAMILY, LLC PROPERTY AND A COMMON CORNER WITH ECO WATERCOURSE, LLC AND SAID IRON REBAR IS HEREBY KNOW AS THE POINT OF BEGINNING.

THENCE FROM THE SAID POINT OF BEGINNING ALONG THE COMMON LINE WITH ECO WATERCOURSE, LLC N43°06'17"W FOR A DISTANCE OF 266.17 FEET TO A 5/8" IRON REBAR FOUND; THENCE, N 07°32'57"W FOR A DISTANCE OF 76.82 FEET TO AN IRON REBAR FOUND; THENCE, N07°21'21"W FOR A DISTANCE OF 381.74 FEET TO AN IRON REBAR FOUND; THENCE, N 37°09'58"W FOR A DISTANCE OF 103.90 FEET TO AN IRON REBAR FOUND, SAID IRON LYING ON THE SOUTHERN RIGHTS OF WAY TO INTERSTATES 40 AND 85; THENCE ALONG THE MARGIN OF NELSON DRIVE, AN INTERSTATE SERVICE ROAD, N 52°39'37" E FOR A DISTANCE OF 462.29 FEET TO AN IRON PIPE FOUND; THENCE, N 52°41'54"E FOR A DISTANCE OF 324.71 FEET TO A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DISK; THENCE, N 53°49'19" E FOR A DISTANCE OF 143.56 FEET TO A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DISK, SAID DISK BEING AT THE INTERSECTION OF NELSON DRIVE AND WOODY DRIVE; THENCE, S 61°39'56"E FOR A DISTANCE OF 74.91 FEET TO A NORTH CAROLINA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY DISK, SAID DISK LYING ON THE NORTHERN MARGIN OF WOODY DRIVE(NCSR 2106); THENCE ALONG WOODY DRIVE, S 00°44'50"W FOR A DISTANCE OF 18.58 FEET TO A CONCRETE RIGHT OF WAY MONUMENT FOUND; THENCE S 00°44'50"W A DISTANCE OF 221.35 FEET TO A ¾"

IRON PIPE FOUND; THENCE, S 01°38'34"W A DISTANCE OF 329.90 FEET TO A 5/8" IRON REBAR FOUND; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 799.52 FEET A CHORD BEARING OF S14°00'13"W FOR A DISTANCE OF 201.73 FEET TO A 5/8" IRON REBAR FOUND; THENCE WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 799.52 FEET A CHORD BEARING OF S36°23'38"W FOR A DISTANCE OF 418.33 FEET TO AN IRON PIPE SET; THENCE, S 51°30'31"W FOR A DISTANCE OF 22.28 FEET TO AN IRON PIPE SET, SAID IRON BEING THE COMMON CORNER WITH JODY B. CHILDERS PROPERTY ; THENCE, S 51°30'33"W FOR A DISTANCE OF 65.16 FEET TO AN IRON PIPE SET; THENCE, S 51°49'33"W FOR A DISTANCE OF 64.88 FEET TO IRON PIPE FOUND; THENCE WITH A CURVE TO THE LEFT HAVING A RADIUS OF 3,265 FEET A CHORD BEARING OF S50°36'17"W FOR A DISTANCE OF 97.03 FEET TO AN IRON REBAR FOUND, SAID IRON BEING THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 623,063 SQUARE FEET, 14.304 ACRES MORE OR LESS.

Section 2. Upon and after August 31, 2017, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 1st day of August, 2017.

Recommendations from Planning Board:

a. Public Hearing: Subdivision Exemptions (AM1705): Updating the definition of a subdivision as required by the North Carolina General Assembly

Mr. Page advised that the North Carolina General Assembly has changed the definition of a Subdivision to be more in line with recent court decisions. As the General Assembly writes our enabling statutes, we must adopt their new definition. Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved, the 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: It brings us into compliance with current law. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: Floodplain Regulations (AM1706). Updating the article and adopting new maps as required by the Federal Emergency Management Agency

Mr. Page explained that the Federal Government draws the floodplain maps and if we don't adopt their new maps on or before November 17, 2017, it is likely that flood insurance for those who have it would increase significantly. Mr. Page advised that the Planning Board had not yet seen a draft of this, as the Federal Government was late in getting it to Staff.

Following a brief discussion between Council and Staff, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Mayor Pro Tem Linens made a motion to table this item, seconded by Council Member Turner. All voted in favor of the motion.

Resolution Amending Water Agreement with Town of Swepsonville:

Mr. Maness stated that a few years ago, we renewed our contract with Swepsonville to provide water for the town. This proposed resolution would increase the current 200,000 gallons of water per day to 300,000 gallons. He stated that the City of Graham has ample capacity to provide this and that Swepsonville needs this to have the ability to grow.

Council Members and Staff briefly discussed contractual obligation history and water pressure and the flushing of hydrants program.

Mayor Pro Tem Linens made a motion to adopt the Resolution Amending the Water Service Utility Contract with the Town of Swepsonville, seconded by Council Member Kimrey. All voted in favor of the motion.

Governor's Highway Safety Program Grant:

a. Approve Resolution

Administrative Intern Ryan Allshouse stated the action before Council is to adopt a Resolution allowing the City to enter into contract with the Governor's Highway Safety Program to create a dedicated traffic enforcement unit. He further explained that as the County seat and with the close proximity to I-40, I-85, as well as NC-49, NC-54, and NC-87, Graham experiences a high volume of traffic on a daily basis. The Graham Police Department (GPD) has no special unit or traffic enforcement team to address the growing traffic. Alamance County is ranked 26th within the state in the number of fatal crashes; we have experienced an increase of crashes causing injury, as well as an increase in young drivers (15-24 years of age) involved in crashes. The Graham Police Department is seeking funds to create a dedicated traffic enforcement unit to focus on reduction of young driver crashes, occupant injuries and speed related crashes in the City of Graham and surrounding areas. This unit will work closely with the Burlington Police Department as well as the Alamance County Sheriff's special operations unit and other agencies as deemed necessary. All county Law enforcement agencies supports GPD and their efforts to make the streets safer. The City of Graham is required to appropriate \$19,574.00 or 15%, as a match to the \$110,921.00 in Federal funding through the Governor's Highway Safety Program to cover the personnel and direct costs in establishing a dedicated highway safety unit. The City of Graham is required to maintain the personnel in subsequent years with declining support from the grant. Year two will require a 30% match, year three will require a 50% match while year four and beyond is 100% the responsibility of the City. No budget amendment is required and Staff recommends approval.

Graham Police Sergeant Ben Edwards fielded questions from the Council. Council Members inquired about the definition of a dedicated traffic enforcement unit, availability of quarterly reports and what happens when funds are no longer available. Council Members wanted assurance that this officer would patrol all City streets and not just highways. Sergeant Edwards said this will be an experienced officer and the officer will cover all of Graham's streets and highways.

Council Member Turner made a motion to adopt the Resolution allowing the City of Graham to enter into contract with the Governors Highway Safety Program, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

RESOLUTION TO ENTER INTO CONTRACT WITH THE GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, The Graham Police Department has completed an application contract for traffic funding;
and

WHEREAS, The City of Graham has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED by the City of Graham in open meeting assembled in the City of Graham, North Carolina, this 1st day of August, 2017 as follows:

1. That the project referenced above is in the best interests of the Governing Body and the general public; and
2. That B.T. Edwards (Sergeant) is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$110,921.00 to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$19,574.00 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in an open meeting by

Emergency Personnel Radios:

a. Approve Budget Ordinance Amendment

Police Chief Jeff Prichard explained that in 2009 the City of Graham joined the State Viper system for the 800 MHz radios that are currently being used by emergency personnel. These radios have been on the street now for approximately eight years and their transmitting signals are starting to deteriorate. Chief Prichard shared two stories involving officers who recently called for backup and the radio signal failed to transmit to Central Communications. He said they are requesting funds to be appropriated for new dual band radios for both the Police and Fire Departments.

Council Members expressed some concern with this coming up so soon after it was not funded by Council in the FY 2017-2018 Budget. Chief Prichard stated that during the budget cycle they did not have enough information from the vendor by the time this current budget was presented to Council. Mr. Maness stated that due to the recent radio failures, he is concerned for officer safety. Council Members and Staff discussed bulk purchase pricing, the advantages of purchasing versus leasing along with the warranty period for the radios.

Mayor Peterman made a motion to approve the 2017-2018 Budget Ordinance Amendment to appropriate funds to purchase portable and mobile radios for Police and Fire Departments, seconded by Council Member Kimrey.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2017 - 2018 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures		
	APPROVED	AMENDED
10-5100-7400 Capital Outlay	154,000	509,000
10-5300-7400 Capital Outlay	30,000	175,000
Section 2: General Fund Revenues		
10-3900-0000 Fund Balance	842,500	1,342,500
This the 1 st day of August, 2017.		

Issues Not Included on Tonight's Agenda:

Mr. Craig Cather of 626 New Street stepped forward and thanked Council and the Police Department for responding to his concerns aired at last month's Council meeting. Mr. Cather said that the neighbor whom he made reference to last month has cleaned up his act a little, but feels problems still exist. He is concerned that this individual is being shown preferential treatment by the Police Department. Mayor Peterman assured Mr. Cather that was not the case.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City Attorney:

Mayor Peterman explained that Council would be going into closed session to review the performance of the City Attorney.

At 9:59 p.m., Mayor Pro Tem Linens made a motion to go into Closed Session to Consider the Performance of the City Attorney Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6), seconded by Council Member McClure. All voted in favor of the motion.

At 10:13 p.m., Council Member Turner made a motion to reconvene the regular meeting, seconded by Council Member McClure.

Council Members stated that they are pleased with the job Mr. Whited has been doing for the City and would like to extend Mr. Whited's employment. They agreed that they like having the attorney accessible during the week and feel that the part time arrangement agreed upon last year is working well for everyone.

Mayor Peterman made a motion to increase Mr. Whited's salary from \$48,425.52 to \$50,000 and make it retroactive to June 25, 2017. Council Member Turner seconded the motion and all voted in favor of the motion.

Mr. Whited thanked Council for their support and said it is his pleasure to serve the City of Graham.

Council Member McClure asked Council to pay attention to the corridor and wayfinding sign projects that Elon has instituted. He stated that Burlington is about to do the same and he urges this Council to consider doing the same in the next six months as he feels Graham has one of the best downtown areas around. Mayor Peterman asked that Staff provide a report to Council as to how our temporary wayfinding signs are doing.

Mayor Peterman asked that everyone keep former Mayor Vic Euliss' family in their prayers.

At 10:50 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, SEPTEMBER 5, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 5, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Rev. Darryl Peoples of the Historic Providence Christian Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

Mayor Peterman invited Kristin Foust to step forward and address the Council. Ms. Foust announced that her son, Logan Foust had been selected to represent Alamance County in the Youth Shrine Bowl for football. Additionally, Ms. Foust explained that she and her husband are residential developers and had some concern with the School Board's recent talk about temporary redistricting and how it affects developers. She asked that the School Board be invited to City and County meetings during the development phase. Mayor Peterman advised that representatives from both the School Board and the County are invited to all of the Technical Review Committee meetings. He added that we may need to push a little harder to get those representatives to actually attend.

Consent Agenda:

- a. Approval of Minutes – August 1, 2017 Regular Session*
- b. Tax Releases & Refunds*

CITY OF GRAHAM REFUNDS				
SEPTEMBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
666593	2017	CARBAJAL, EVELIN	MOBILE HOME CORRECT YEAR 1999	42.23
664184	2017	FORBES, HERMAN GAITHER	DISABLED VETERAN EXEMPTION	204.75
TOTAL REFUNDS				246.98

**CITY OF GRAHAM
RELEASE ACCOUNTS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
471696	2017	JONES, BRANDON KIRK	JETSKIS NOT IN GRAHAM JAN 2017	14.00
114964	2017	LLOYD, RICHARD LEVERNE	TAXPAYER DECEASED 6 YRS RELEASE BOATS	6.49
21368	2017	LONG, PAUL R	CAR LOCATED OUTSIDE CITY LIMITS	40.04
552115	2017	NEESE, ANNETE JOY	2 JET SKIS LOCATED IN GUILFORD COUNTY	4.20
666543	2017	CRUZ, DELGADINA	MOBILE HOME CORRECT YEAR 1990	60.79
660312	2017	JUAN MANUEL LOPEZ PONCE	SOLD TRUCK PRIOR TO JAN 2017	40.79
64790	2017	FARM SERVICES INC	RELEASE LATE LISTING	4.28
481450	2017	NISSAN MOTOR ACCEPTANCE	WRONG CITY DISTRICT CODE	336.11
482934	2017	GRAHAM CINEMA LLC	RELEASE LATE LISTING	0.77
486339	2017	EP GATES CONST & REALTY	RELEASE LATE LISTING	0.75
487398	2017	COLONIAL HARWARE LLC	RELEASE LATE LISTING	0.75
529174	2017	GRAHAM SODA SHOP	RELEASE LATE LISTING	6.00
647403	2017	TWC SECURITY INC	AMENDED RETURN	91.76
648047	2017	SALEM LEASING CORP	11 VEHICLES OUT OF CITY OR SOLD	1433.39
17214	2017	HOWELL, WILLIAM R	QUALIFIED FOR HOMESTEAD EXEMPTION	286.29
30709	2017	SMITHEY, JOE & TERESA	QUALIFIED FOR HOMESTEAD EXEMPTION	48.52
35282	2017	WARD, DONNIE EZZELL	QUALIFIED FOR HOMESTEAD EXEMPTION	185.70
44813	2017	KIRKLAND, SAMUEL M JR	QUALIFIED FOR HOMESTEAD EXEMPTION	274.24
46235	2017	MELTON, LARRY & GLYNDA	DISABLED VETERAN EXEMPTION	204.75
111356	2017	BROWN, LISA KETNER	QUALIFIED FOR HOMESTEAD EXEMPTION	27.23
469757	2014	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2015	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2016	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	68.25
469757	2017	MCALLISTER, RAY EMERSON	PROPERTY TAKEN OVER BY NCDOT (RR)	84.18
471551	2017	RUSSELL, BRUCE GERRELL	QUALIFIED FOR HOMESTEAD EXEMPTION	289.14
603940	2017	WORTHY, KIM L	QUALIFIED FOR HOMESTEAD EXEMPTION	496.17
646480	2017	SHARPE, DONNA	HOUSE BURNED REDUCE TO LAND ONLY	118.40
648780	2017	LIVINGTON, MARY A	QUALIFIED FOR HOMESTEAD EXEMPTION	230.67
654501	2017	BEATTY, FREDRICA M	QUALIFIED FOR HOMESTEAD EXEMPTION	247.85
659445	2017	ELLISON, DEBORAH S HEIRS	PROPERTY TRANSFERRED TO MTG CO	603.94
667685	2017	BURNETT, GAIL E	QUALIFIED FOR HOMESTEAD EXEMPTION	135.17

TOTAL RELEASES 5477.12

- c. Appoint Elaine Murrin to serve on the Graham Historical Museum Board of Directors*
- d. Approve Request by Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m.-11:00 p.m. and the 100 block of E. Elm Street from 12:00 a.m.-11:00 p.m. on October 27, 2017 for the Downtown Pumpkin Bash*
- e. Approve Letter of Appreciation – Southern Loop Roadway*
- f. Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment*
- g. Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda as he asked that items “a” and “e” be pulled. Council Member Griffin McClure asked to pull item “d”.

Referring to item “a”, Mayor Peterman asked City Clerk Darcy Sperry to correct the spelling of Sergeant Ben Edwards name in the minutes from August 1, 2017.

Council Member Chip Turner made a motion to approve item “a” on the Consent Agenda, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

Mayor Peterman thanked Council Member Kimrey for his hard work with item “e”. After thanking staff and stating that it was a team effort in getting the proposed Southern Loop removed from the Future Land Use Map, Council Member Kimrey made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure stated that it was brought to his attention that “senior night” at Graham High School is set for the same night as the Downtown Pumpkin Bash and he asked Recreation and Parks Director Brian Faucette if any thought been given to this when setting the date for the City sponsored event. Mr. Faucette stated that it was an oversight and that going forward, he will take into consideration the high school football schedule when selecting future dates for this event. Council Member McClure made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Kimrey. All voted in favor of the motion.

Mayor Pro Tem Jimmy Linens made a motion to approve items “b”, “c”, “f” and “g” on the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Third Reading: Amend Code of Ordinances to require Encroachment Permit for Permanent Improvements

Assistant City Manager Aaron Holland briefly summarized this amendment request. He stated that we currently do not have language which allows for the placement of permanent objects within the public right-of-way in the Central Business District B-1. He added that this ordinance would provide a mechanism for someone to do so. At the request from Council at last month’s meeting, Staff and City Attorney Keith Whited revised the proposed ordinance amendment, making changes to the approval process, insurance requirements and “grandfathering” in existing structures in the B-1 public right-of-way areas.

With no questions from the Council forthcoming, Mayor Peterman opened the meeting up to the floor. Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward to address Council. Ms. Talley expressed concern with the proposed language in section 18-2, (b). She asked Council to consider amending period for removal from one week to 30 days. Mr. Whited advised that the one week language has been in the ordinance since 1982.

With no further comments, Council Member Kimrey asked to be recused, adding that he owns property on West Elm Street and will be asking the City for an encroachment agreement. Council Member McClure made a motion to recuse Council Member Kimrey, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Following a brief discussion between Council and Staff, Council Member McClure made a motion to approve the Ordinance amendment to Chapter 18, Article I., (*Streets, Sidewalks, and Other Public Places*) of the Code of Ordinances to require an Encroachment License Agreement for permanent improvements, seconded by Council Member Turner. All voted in favor of the motion. Council Member Kimrey rejoined the Council.

b. Public Hearing: Floodplain Regulations (AM1706). Updating the article and adopting new maps as required by the Federal Emergency Management Agency

Planning Director Nathan Page explained that this is an amendment to our Flood Damage Prevention Ordinances. Mr. Page stated that given the requirement of the National Flood Insurance Program to adopt these new maps on or before November 17, 2017, the City of Graham must do so in order to save money for our citizens on their flood insurance premiums. He added that Staff is proposing two changes. The first being to allow fill in the floodplain for some locations upon approval from the Technical Review Committee (TRC). The second change would be to require two elevation certificates. Currently the State only requires one.

Following a brief discussion between Council and Staff, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It better protects our flood prone areas. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

Requests and Petitions of Citizens:

a. First Reading: Code of Ordinances Amendment (Brunch Bill): Amend Code of Ordinances to allow the sale and consumption of alcoholic beverages on licensed premises within City Limits beginning at 10:00 a.m. on Sundays

Mr. Holland explained that currently the City follows the State statute which allows for the sale and consumption of alcoholic beverages on licensed premises within City limits beginning at 12:00 p.m. on Sundays. Recent legislation allows for cities to have the option to change the time of sale from 12:00 p.m. to 10:00 a.m. Mr. Holland advised that Staff recommends approval.

Following a brief discussion between Council Members and Staff, Mr. Jason Cox of 200 North Main Street Graham stepped forward to address Council. He stated that this request is a response to demand and encouraged Council to approve it much like neighboring municipalities have done.

Some Council Members felt this is something that should be voted on following a Public Hearing. Mr. Whited advised Council that State statute does not require a Public Hearing, but Council can choose to hold one if they wish to do so.

Council Member McClure made a motion to schedule a Public Hearing for next month, seconded by Council Member Kimrey. All voted in favor of the motion.

b. Encroachment License request by Lee & Mindi Kimrey for property at 106 West Elm Street

Council Member Kimrey asked to be recused. Mayor Peterman made a motion to recuse Council Member Kimrey, seconded by Council Member McClure. All voted in favor of the motion.

Council Member Kimrey of 410 Raven Court Graham stated that this request is for a balcony at 104-106 West Elm Street. He added that he submitted a complete set of sealed plans to the Inspections Department and noted that Staff has asked for an as built survey, which he has no problem supplying.

Council Members asked if the balcony would be permanently attached to the building. Council Member Kimrey stated that it will be bolted to the building and can be removed if the City should wish him to do so.

With no further comments forthcoming, Mayor Pro Tem Linens made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Lee & Mindi Kimrey for a proposed balcony at 106 W. Elm Street with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

Council Member Turner seconded the motion and all voted in favor of the motion. Council Member Kimrey rejoined the Council.

Recommendations from Planning Board:

a. Public Hearing: 1216 South Main St B-2 (RZ1702): Request by Danny Owen to rezone property located at 1216 South Main Street (GPIN8883351628) from Medium Density Residential (R-12) to General Business (B-2)

Mr. Page explained that this is a request from Mr. Danny Owen to rezone the subject property from R-12 to B-2. He added that this is one of two adjoining lots which are currently occupied by a single family dwelling and stated reason for this rezoning request is “designated business zone by City of Graham.” Mr. Page advised that no other development plan has been submitted at this time.

Council and Staff briefly discussed the zoning of neighboring parcels, followed by Mayor Peterman opening the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It advances commercial growth through one of our main corridors. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: 1218 South Main Street (RZ1703): Request by Patricia Allen to rezone property located at 1218 South Main Street (GPIN8883351529) from Medium Density Residential (R-12) to General Business (B-2)

Mr. Page explained that much like the request just heard by Council, this is a request from Ms. Patricia Hughes Allen to rezone the subject property from R-12 to B-2. He added that this is one of two adjoining lots which are currently occupied by a single family dwelling and stated reason for this rezoning request is “designated business zone by City of Graham.” Mr. Page advised that no other development plan has been submitted at this time.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member McClure made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It promotes commercial growth in one of our busiest corridors. Council Member Turner seconded the motion and all voted in favor of the motion.

c. Public Hearing: Mixed-Use Dwellings (AM1707): Request by Chuck Talley to permit more than one dwelling above a structure in the Central Business District (B-1)

Mr. Page explained that about a year and a half ago, we removed language from our Ordinance that said all things plural are singular and all things singular are plural. When we did that, it meant that you could only have one dwelling on the second floor and above within the B-1 district. Mr. Page added that Staff is recommending the removal of “with adequate light, air and bathroom facilities” from the original amendment request, as items such as these are enforced within the Building Code.

A brief discussion between Council and Staff ensued regarding use by right in the B-1 district and how approval of this would not affect current Fire Code in this area. With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward to address Council. He stated that he feels this Ordinance needs to be cleaned up. He added that he currently had buildings that are considered non-conforming due to the current language. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved with the alternate language, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: It allows more residential units in commercial buildings in our Business and O-I zones. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

d. Review of The Graham 2035 Comprehensive Plan

Mr. Page explained that the Graham Planning Board invited members of the steering committee for The Graham 2035 Comprehensive Plan to convene at their July or August meetings. At those meetings, the following updates to the plan were recommended:

- Create an Outdoor Space downtown for commercial gatherings
- Consider creating Overlays for Jimmie Kerr (one for ACC, one for the truck stops)

Mr. Page stated that the above recommendations are additions to the Plan in the mid to long term range. They also recommended that the Southern Loop be removed from the Future Land Use Map today. Mr. Page advised that NCDOT has scheduled a Public Hearing for September 14, 2017 at which they will vote on whether or not to permanently remove the Southern Loop.

Council Members and Staff discussed the NCDOT’s process for requiring a Public Hearing, the Comprehensive Transportation Plan, and overlay districts along Jimmie Kerr Road. Council Members noted that while we are not required to hold a Public Hearing regarding the proposed addition of Overlays along Jimmie Kerr Road, they felt that one needed to be held prior to taking any action.

Mayor Peterman made a motion to schedule a Public Hearing next month to consider adding an Overlay district along Jimmie Kerry Road. Council Member Kimrey amended the motion to include Highway 54 and West Elm Street as well, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Kimrey made a motion to amend the following sections of The Graham 2035 Comprehensive Plan; removal of the Southern Loop from our Future Land Use Map and we include the creation of an outdoor space in downtown for commercial gatherings, seconded by Mayor Peterman. All voted in favor of the motion.

Downtown Revitalization Project Grant:

Mr. Maness explained that the City is a tentative recipient of a \$50,000 grant through the State of North Carolina's Rural Development Division within the Department of Commerce. This calls for proposals to be awarded monies for "Downtown Revitalization and Economic Development." Staff has created a list of potential projects and ranked them. A proposal must be submitted to the State by September 15, 2017. Options presented were as follows:

1. Fund a Revolving Loan- with a low-interest rate, to be re-loaned out as money returns (\$50,000)
2. Release our own Request for Proposals- to reward grant money for projects that fit with Graham's goals, i.e. a 2000 square foot restaurant, or 10 new dwelling units in our downtown (\$50,000)
3. Development Finance Initiative- to find an investor and construct a two or more story building on our parking lot beside the Roasted Coffee Depot (\$15,000+)
4. East Harden/Pine Street Sidewalk- to complete the sidewalk network to new growth areas, allowing the residents pedestrian access into downtown (\$50,000+)
5. Create a Downtown Plan- invest in a small area plan for the downtown and perhaps the Highway 54 and Highway 87 Corridors into downtown (\$50,000)
6. Alley art- to turn one of our alleys into an art exhibit, with lights or streamers in a European style (up to \$50,000)
7. Greensboro-like SparkGrants- up to \$5,000 to support murals, pop-up shops, and special events (\$50,000)
8. Downtown Streetscape- bike racks, planters, recycling containers, perhaps more trashcans, or benches (\$50,000)
9. Sesquicentennial Park- to offset the up-fit costs and remove the sinking brick planter (up to \$50,000)
10. Wayfinding- to install signs which help individuals find destinations within our City (\$50,000)
11. Bring Wi-Fi back downtown (\$20,000-\$25,000)
12. Design Grants- where architects could be hired as a condition of façade grant funds being rewarded, resulting in a more cohesive and interesting downtown fabric (up to \$50,000)
13. Stormwater Control Measures (SCM) in the Court Square- this would pay for the engineering costs associated with designing a SCM downtown, to double as additional outdoor activity space and planting areas (\$50,000)
14. Parklet- to create a portable park which would be placed over two parking spaces, as requested by property owners (\$50,000)
15. Rent Subsidy Program- to offset the initial lease costs for new businesses Graham is trying to attract (\$50,000)

Following a discussion between Council and Staff regarding the various options presented, Mayor Peterman opened the discussion up to the floor.

Mr. Cox stepped forward and encouraged Council to create a “hybrid community fund” that option #1 would allow for.

Ms. Talley stepped forward and encouraged Council to select option #11, bringing Wi-Fi back to the downtown area.

With no further comments forthcoming, Council Member Kimrey made a motion we authorize the City Manager to draft a proposal for Option #1 (Fund a Revolving Loan) in the amount of \$50,000 in reimbursement grant funds from the North Carolina Department of Commerce, seconded by Council Member Turner. All voted in favor of the motion.

Issues Not Included on Tonight’s Agenda:

Mr. James Albright of 1035 Sycamore Road Graham requested a permit to fire a crossbow within City limits to eliminate deer that he deems nuisance on his property. Mayor Peterman advised that he would have to speak to the Police Department regarding this matter.

Lieutenant Duane Flood of the Graham Police Department advised that the Graham High School will be bringing a request to Council to block a portion of East Elm Street in October for a Homecoming festival.

Julie Budd of 324 Hillcrest Avenue Burlington stepped forward and invited Council Members to a free lunch workshop on September 14, 2017 regarding students facing homelessness.

Mr. Greg Euliss of 1813 Meadowview Drive Graham expressed concern for a proposed development off Luther Drive. His concerns included the buffer area between Rogers Road and Meadowview Drive.

Council Member Kimrey asked Mr. Maness if any progress has been made with regards to a no smoking policy in City parks. Mr. Maness advised that he is hoping Council will see something on that next month.

Mayor Pro Tem Linens stated that he has received complaints about the intersection of Lacy Holt Road and Rogers Road and could we look into the possibility of adding a stop light at that location. Mr. Maness advised that Rogers Road is a DOT road, but we can certainly talk to them about it.

Mayor Pro Tem Linens asked that we keep Council Member Turner’s mother in our thoughts and prayers as she has recently been admitted to the hospital.

At 9:17 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 3, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 3, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director
Alexa Powell, City Planner
Brian Faucette, Recreation & Parks Director

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.

Consent Agenda:

- a. Approval of Minutes – September 5, 2017 Regular Session*
- b. Tax Releases & Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

OCTOBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
21016	2017	MABE, ANN GRADY	ADJUST VALUE-PROPERTY IN FLOOD PLANE	34.48
29471	2017	SCHAPPACHER, WILLIE	QUALIFIED FOR HOMESTEAD EXEMPTION	340.28
591668	2017	WALTON, BARBARA W.	QUALIFIED FOR HOMESTEAD EXEMPTION	319.32
611748	2014	EASTER, JAMES EARLE JR	SOLD BOAT	14.67
611748	2015	EASTER, JAMES EARLE JR	SOLD BOAT	13.59
611748	2016	EASTER, JAMES EARLE JR	SOLD BOAT	12.51
611748	2017	EASTER, JAMES EARLE JR	SOLD BOAT	11.56
662706	2017	HOPKINS, KEVIN	BOAT NOT LOCATED IN THE CITY OF GRAHAM	2.28
666540	2017	JM HOLT & ASSOCIATES INC	CHANGE VALUE & YEAR OF MH FROM 2009 TO 198	63.70
92676	2017	WOODARD, D RIED OD	BUSINESS PERSONAL PROP AMEDENED RETURN	273.31
654117	2016	VARNER, BRENT WILBUR	TAXPAYER MOVED TO TN, BOAT NOT IN GRAHAM	3.98
654117	2017	VARNER, BRENT WILBUR	TAXPAYER MOVED TO TN, BOAT NOT IN GRAHAM	3.59
659001	2017	WELLS FARGO VENDOR FINANCIAL	BUSINESS PERSONAL PROP DOUBLE LISTED	1708.82
664517	2017	AUTOMATIC FINANCING INC	BUSINESS PERSONAL PROP AMEDENED RETURN	75.13

**CITY OF GRAHAM
REFUNDS**

OCTOBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
631076	2017	OBAUGH, HATTIE B. L/E	QUALIFIED FOR HOMESTEAD EXEMPTION	187.04

- c. Request from Graham First United Methodist Church to close East Market Street on October 29, 2017 from 3:00 p.m. - 8:00 p.m. for a Community Trunk or Treat event*
- d. Request from the Graham Police Department to close the 100 block of E. Elm Street from 8 a.m. - 6 p.m. on November 11, 2017 for the Veterans Day Festival*
- e. Amend the City of Graham Traffic Schedules to include the Forks of Alamance Subdivision*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item “e”.

Council Member Griffin McClure made a motion to approve items “a”, “b”, “c” and “d” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Council Member Kimrey asked Staff for clarification about the current process for taking streets back – thinking that we won’t accept them until the final coat is on. City Manager Frankie Maness stated that this is still the case, however, we still need to give motorists direction until the final coat has been put down. Once the final coat is down, it will come back to the City Council for official acceptance of the street.

Council Member Kimrey made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Old Business:

- a. **Public Hearing & Second Reading: Code of Ordinances Amendment (Brunch Bill): Amend Code of Ordinances to allow the sale and consumption of alcoholic beverages on licensed premises within City limits beginning at 10:00 a.m. on Sundays***

Assistant City Manager Aaron Holland reminded Council that this item was brought before Council last month and per Council’s request, notice was given for a Public Hearing to be held at this meeting. He explained that new law passed by the General Assembly requires that action be taken if Municipalities choose to change the time of sale from 12:00 PM to 10:00 AM on Sundays.

Council Member Kimrey advised that he currently has an agreement with a tenant who intends to sell alcohol and asked to be recused. Mayor Peterman made a motion to recuse Council Member Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

With no comments forthcoming from Council Members, Mayor Peterman opened the Public Hearing.

Mr. Chuck Granger of 404 Stonehedge Drive Graham stepped forward to address the Council followed by Mr. Jim Albright of Graham. Both gentlemen asked Council Members to not approve this agenda item. Mayor Peterman closed the Public Hearing.

Following a brief discussion between Council Members, Council Member McClure made a motion to approve the request to amend Chapter 8, Article I., (Businesses) of the Code of Ordinances to allow the sale and consumption of alcoholic beverages on licensed premises within City limits beginning at 10:00 AM on Sunday, seconded by Mayor Pro Tem Linens. All voted in favor of the motion. Council Member Kimrey rejoined the Council.

b. Public Hearing: Text Amendment Review of the The Graham 2035 Comprehensive Plan

Planning Director Nathan Page explained that there are two amendments to The Graham 2035 Comprehensive Plan being proposed. The first is to consider creating Overlays for West Harden Street and West Elm Street west of the Historic District, while the second calls to consider creating Overlays along Jimmie Kerr Road (one for Alamance Community College (ACC) and one for the truck stops).

A brief discussion between Council Members and Staff ensued, followed by Mayor Peterman opening the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member McClure made a motion to amend The Graham 2035 Comprehensive Plan to suggest overlays for Highway 54 and West Elm Street, as well as both sides of Interstate 40/85 at Jimmie Kerr Road., seconded by Council Member Kimrey. All voted in favor of the motion.

Requests and Petitions of Citizens:

- a. Request from the Humane Society of Alamance County (HSAC) to close the 100 Block of East Elm Street, 150 feet of the southernmost portion of the 100 Block of North Marshall Street and the North Marshall/Elm Street parking lot on Saturday, October 21, 2017 and Sunday, October 22, 2017 from 8:00 a.m. to 5:00 p.m. respectively, for the purpose of hosting the HSAC's 20th Annual Woofstock Festival; subject to the receipt of a certificate of insurance***
- b. Request from Chuck Talley to close the 100 Block of E. Elm Street from 6:00 p.m. on Friday, October 20, 2017 to 5:00 p.m. on Sunday, October 22, 2017 for the Humane Society of Alamance County's 20th Annual Woofstock event; subject to the receipt of a certificate of insurance***

Mr. Maness explained that the City received two different requests for street closure(s) to accommodate the same event – the Humane Society of Alamance County's (HSAC) 20th Annual Woofstock event. The first request is from the HSAC while the second is from Chuck Talley of Farm Services, Inc. The HSAC previously held this event at City Park in Burlington and Mr. Maness stated that we are excited to have the event here in Graham this year. He added that the primary difference in the two requests is the location for the pool reservoir to be used for the DockDogs portion of the event.

Mr. Maness added that option “a” has been given consideration by Staff, while option “b” was received just prior to the agenda going out and has received very little consideration and presents some safety concerns among Staff members. Staff recommends option “a”.

Mayor Peterman asked Mr. Maness to list Staff’s safety concerns. Mr. Maness listed street closure duration, lack of monitoring and maintaining barriers, no storm drainage system in that area should the pool reservoir leak and traffic detours among the main concerns Staff has with option “b” at this time.

Council Members and Staff briefly discussed the pool reservoir placement, insurance requirements, and safety concerns as well as the current Ordinance pertaining to dogs and food trucks. Mr. Maness stated that dogs are not permitted at City sanctioned events while food trucks are allowed at a City sanctioned or City permitted event. The City is permitting the event to be held in Graham, thus allowing food trucks. Dogs will be permitted as long as the City is not involved with the event in any manner.

Mayor Peterman opened the discussion to the floor. Ms. Sharon Dent of the HSAC stepped forward to address Council. She stated that she is excited to bring this event to Graham this year.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward to speak about the option “b” request. Following a lengthy discussion between Ms. Talley and the Council Members, Ms. Talley agreed to hire two off duty police officers at her expense to ensure that security is present at the pool reservoir the entire time it is up. Ms. Talley also provided a letter written by East Elm Street business owner Mr. Mike Holt expressing support to have the 100 Block of East Elm Street closed for the time period requested by Mr. Talley.

Mr. Talley stepped forward to acknowledge that he will have around the clock security for this event. He stated that the professionals from DockDogs are experienced with the setup and removal of the pool reservoir in a safe manner and carry enough insurance to ensure that the City would be covered in the event of any type of accident on City property.

Council Members and Staff spoke of the challenges associated with either location for the pool reservoir and what, if any, assistance the City might be able to provide to help make this event a success. Mr. Maness reminded Council about the City’s Ordinance pertaining to dogs and cautioned that if they decide to have the City participate in some manner, we set a precedent for the next request.

Council Member Kimrey made a motion to approve the request from Chuck Talley to close the 100 Block of E. Elm Street from 6:00 p.m. on Friday, October 20, 2017 to 5:00 p.m. on Sunday, October 22, 2017 for the Humane Society of Alamance County’s 20th Annual Woofstock event; subject to the receipt of a certificate of insurance. Council Member Turner seconded the motion and all voted in favor of the motion.

Smoking Ordinance:

- a. Amend the Code of Ordinances to add a section prohibiting smoking in all municipal buildings, vehicles and grounds*

Mr. Holland stated that secondhand smoke concerns have been fielded by both Council and Staff in various capacities throughout the City. Council directed Staff to look into these concerns and the result is this Smoking Ordinance being presented to Council. Staff has prepared an Ordinance for the Council's consideration that would prohibit smoking on all city grounds, buildings and in city vehicles.

Council Members and Staff briefly discussed the definition of City grounds, signage and the right business owners will have to regulate smoking on their property if this amendment to the Code of Ordinances should be approved. Council Member McClure expressed concern with infringing on one's lifestyle choice, as poor as it may be in outdoor spaces. Mr. Maness advised that the City currently offers smoking cessation programs and that it would be difficult to tailor the Ordinance to only encompass certain areas. He added that we have highly volatile areas with chemicals that we do not need to be smoking around. Council Member McClure stated that he is not sure he would support no smoking on all City grounds.

Recreation and Parks Director Brian Faucette stated that if Council should choose to remove grounds from this amendment, we would be removing playgrounds, ball fields and walking tracks. Staff advised that a blanket Ordinance for the entire City will be easier to enforce.

With no further discussion forthcoming, Council Member Kimrey made a motion to approve the request to amend CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE I- IN GENERAL of the Code of Ordinances to prohibit smoking in all municipal buildings, vehicles, and grounds, seconded by Mayor Pro Tem Linens. Ayes: Council Member Kimrey, Mayor Pro Tem Linens, Mayor Peterman and Council Member Turner. Nays: Council Member McClure. Motion carried 4:1.

Issues Not Included on Tonight's Agenda:

Ms. Chelsea Dickie of 200 North Main Street Graham stepped forward to express concern with our Ordinance regulating outdoor sales. She stated that as the Director of Community Development at the Co-Op in Graham, she has seen an increase in business owners, developers and artisans asking her how Graham landed at our outdoor sales Ordinance. She asked if the intent of the Ordinance is to have one come before Council to get approval for an outdoor event and if so, is there a process one can go through to request approval for an outdoor event. Mayor Peterman stated that he does not believe that the Council was trying to ban anything when this Ordinance was approved. He added that the intent was to protect area businesses from having someone set up a stand outside ones business selling the same items and services as the established business. Mr. Maness explained that the current Ordinance is a blanket prohibition for outdoor temporary sales in the B-1 district, except for City sanctioned events in a zoning district. He stated that a few months ago he advised Council that with this Ordinance, we are regulating behaviors in a land use regulating Ordinance. Mr. Maness wondered if this Ordinance is in the right spot. Mayor Peterman challenged Staff to look at this Ordinance and bring something to Council next month that may clarify the Ordinance.

City Attorney Keith Whited invited Council Members to the after party event for the Little Pink Houses of Hope on Sunday, October 8, 2017 from 2:00 p.m. – 5:00 p.m. at the Verdict in Graham.

Mr. Faucette reminded Council of the Halloween Festival in Graham on October 27, 2017 from 6:00 p.m. – 9:00 p.m.

Mayor Pro Tem Linens asked Mr. Maness if he had any answers to the concern he brought up at last month's Council meeting regarding the need for a traffic light at the intersection of Rogers Road and Lacy Holt Road. Mr. Maness stated that NCDOT evaluated the traffic pattern in that area when the Forks of the Alamance subdivision was approved and they did not feel a light was necessary. He stated he will get with NCDOT again to relay this concern.

Council Members McClure and Turner thanked the Police Officers in attendance for their service to the City in light of the recent tragedy in Las Vegas.

Mayor Peterman asked Council Members to think about adding issues not on tonight's agenda to the following month's agenda under old business. He asked that we discuss this matter at next month's meeting.

At 8:47 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, NOVEMBER 7, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, November 7, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director
Alexa Powell, City Planner
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Jimmy Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – October 3, 2017 Regular Session*
- b. Tax Releases & Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

NOVEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
142329	2014-2017	STRIGO PLUMBING INC	PROPERTY SOLD AT BK AUCTION JAN 2014	526.11
68156	2009-2015	JOHN A SOMERS	MOVED TO BURLINGTON	174.29
507650	2017	SAMUEL CRAIG ANDREWS	DID NOT OWN BOAT JAN 2017	6.17
54063	2017	IRMA COLLINS	QUALIFIED FOR HOMESTEAD EXEMPTION	6.61
154642	2017	NELLIE RUTH WHITE	QUALIFIED FOR HOMESTEAD EXEMPTION	74.01
660253	2017	MARGARET ALLISON L/E	QUALIFIED FOR HOMESTEAD EXEMPTION	165.69

**CITY OF GRAHAM
REFUNDS**

NOVEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
659452	2017	WIZARD INTERNATIONAL INC	LEASED EQUIPMENT NOT IN CITY	11.62
659452	2016	WIZARD INTERNATIONAL INC	LEASED EQUIPMENT NOT IN CITY	12.92

- c. Report of Non-Substantial Changes to the Development Ordinance*
d. Request by Alamance County to close the 200 Block of West Elm Street on December 8, 2017 from 2:30pm-4:30pm

Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Recommendations from Planning Board:

- a. Public Hearing: AM1708 Overlay Access. Request from the Planning Board to address cross-access agreements for commercial development within the Overlay Districts*

Planning Director Nathan Page explained that this is an amendment to both the Highway 54 and Highway 87 Overlay districts. He added that the intention of this amendment is to change the language to require internal connections between driveways within commercial development. Mr. Page stated that this proposed change will help alleviate traffic congestion and make for safer travel along the Overlay districts.

Following a brief discussion between Council Members and Staff regarding traffic congestion along these thoroughfares, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member Lee Kimrey made a motion that the text amendment be approved, the text amendment is consistent with the The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It will help alleviate traffic congestion. Council Member Turner seconded the motion and all voted in favor of the motion.

Creative Give Back Program Presentation by Creative Economic Development Consulting:

Mr. Page explained that Graham was selected as the 2017 Creative Give Back winner by the Creative Economic Development Consulting firm. He added that this award is a way for this consulting group to give back to the field of economic development. Mr. Page introduced Ms. Crystal Morphis and Ms. Penny Whiteheart from Creative Economic Development Consulting.

Ms. Whiteheart presented Council with an overview of their program, the research they conducted and how it affects the City of Graham. She spoke of ways to spur downtown revitalization and entrepreneurship.

Ms. Whiteheart stated that during her firm's research, several businesses were interviewed and surveys conducted. Based on their results, the firm concluded that there is approximately \$150,000,000 being spent outside the City of Graham. She encouraged Council to continue to find ways to bring people to Graham and continue to be a "good partner".

Council Members thanked Creative Economic Development Consulting for selecting Graham and identifying ways for the City to continue to build economic growth in our downtown area. Mayor Peterman thanked Mr. Page for all of his hard work and asked City Manager Frankie Maness to put a "well done" letter in Mr. Page's employment file. In addition, Mayor Peterman asked Staff to draft a thank you letter and send it to the Co/Operative Extension in Graham for their effort in helping Graham secure this award.

Pine Street Bike Lanes:

*a. **First Reading: An Ordinance Of The City Council Of The City Of Graham, Amending Chapter 20, Article V, Sec. 20-142 Of The Code Of Ordinances Of The City Of Graham, North Carolina***

Mr. Maness reminded Council that in May of 2017, the City Council authorized Staff to apply for funding assistance from Impact Alamance to establish bike lanes. He stated that Pine Street was identified for placement of bike lanes based on City owned right of ways and it's connectivity between neighborhoods and the downtown area. Mr. Maness advised that the final design of the bicycle lanes is complete but that clarification is now needed for parking within these lanes during a funeral.

Council Members and Staff discussed frequency of funerals at Linwood Cemetery, bike lane placement on the street and the effect bike lanes will have on traffic speed and home owners along Pine Street. Council Member Turner expressed some concern that lawn service providers and delivery trucks won't be able to park along Pine Street any longer. Staff advised that there are multiple side streets that can be used for parking of equipment and vehicles that might not fit into a driveway.

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to address Council. She stated that she was under the impression that the bike lanes would only be on one side of the street, allowing for bikes to travel each way. Staff advised that the bike lanes will be placed on both sides of the street.

Ms. Marcy Green, program director at Impact Alamance thanked Mr. Page and Recreation and Parks Director Brian Faucette for their help with this grant. She encouraged Council to approve this proposed Ordinance amendment. Mayor Peterman thanked Ms. Green and asked her to thank Impact Alamance for selecting us.

Ms. Searls addressed Council again and asked for additional street lights if bike lanes are going to be placed on both sides of the street. Mayor Peterman agreed that more lights are needed.

Mr. Chap McQueen of 1002 East Willowbrook Drive Burlington sees this as a huge opportunity for Graham. Mr. McQueen advised that he is on the Board of Trustees for Impact Alamance and a former resident of Graham. He explained that Impact Alamance is all about children's health, education and welfare and sees this as a great way for children to get out and exercise in a safe manner.

Ms. Chelsea Dickey of 200 North Main Street Graham stepped forward on behalf of Co/Operative. She stated that they continue to see an increase in the number of bicycles in our downtown area and encouraged Council to approve this Ordinance amendment.

Council Member McClure indicated that he is a big proponent of the plan, stating millennials are looking for untraditional paths of travel. He stated he wished that Staff had been in better communication with property owners whose street frontage will be affected by these bike lanes.

Mayor Peterman made a motion to approve Amending Chapter 20, Article V, Sec. 20-142 of the Code of Ordinances of the City Of Graham, seconded by Council Member McClure. All voted in favor of the motion.

Issues Not Included on Tonight's Agenda:

Mayor Pro Tem Linens mentioned a vehicle accident that recently occurred on Rogers Road and Lacy Holt Road. He asked Staff last month to reach out to NCDOT about the dangers this intersection poses, which Mr. Maness has done.

At 8:06 p.m. Council Member Turner made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, DECEMBER 5, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, December 5, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director
Brian Faucette, Recreation & Parks Director
John Andrews, Fire Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Reverend Darryl Peebles gave the invocation and everyone stood to recite the Pledge of Allegiance.

Honorary Resolution:

➤ *Resolution of Commendation and Appreciation – Martha Johnson*

Mayor Peterman and City Manager Frankie Maness presented Zoning and Inspection Technician Martha Johnson with a Resolution of Commendation and Appreciation and a gift from the City. Both gentlemen thanked Mrs. Johnson for her 11 years 9 months of service to the City.

RESOLUTION OF COMMENDATION AND APPRECIATION TO

MARTHA JOHNSON

FOR HER SERVICE TO THE CITY OF GRAHAM

WHEREAS, Martha Johnson diligently served the City of Graham Water Billing Department and Planning & Inspections Department from February 2, 2006 until November 30, 2017; and

WHEREAS, Martha retired as a Zoning and Inspection Technician at the City of Graham Planning & Inspections Department on November 30, 2017 with over 11 years of service; and

WHEREAS, her wisdom, care and dedication has commanded the utmost respect from her colleagues and employees; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Martha for the excellent time and service she has afforded the citizens of Graham and her fellow employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT: Martha be commended for her outstanding public service to the City of Graham.

BE IT FURTHER RESOLVED THAT: an expression of appreciation be extended to Mrs. Martha Johnson in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to her in person.

This the 5th day of December 2017.

Old Business:

a. Approval of Minutes – November 7, 2017 Regular Session

Council Member Chip Turner made a motion to approve item “a” of the Old Business, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Acceptance of Certificate the Abstract of Canvassing from the Alamance County Board of Elections

Council Member McClure made the motion to accept the Acceptance of Certificate the Abstract of Canvassing from the Alamance County Board of Elections, seconded by Council Member Lee Kimrey. All voted in favor of the motion.



2017 MUNICIPAL ELECTION
11/07/2017
ABSTRACT OF VOTES
FOR
ALAMANCE COUNTY, NORTH CAROLINA

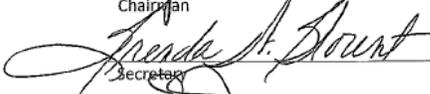
INSTRUCTIONS
 The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State. (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the above is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 17th day of November, 2017.



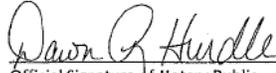
 Chairman


 Secretary


 Member

This day personally appeared before me, Douglas P. Finckannon, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 17th day of November, 2017.



 Official Signature of Notary Public

Dawn R. Hurdle

 Printed/Typed Name of Notary Public

My Commission Expires: 4-8-2019

DAWN R HURDLE
 NOTARY PUBLIC
 ALAMANCE COUNTY, NC
 My Commission Expires 4-8-2019

(Seal)

November 07, 2017 Municipal Election Results by Contest				Friday, November 17, 2017			
Contest	Choice	Party	Total Votes	Election Day	One Stop	Abs Mail	Provisional
VILLAGE OF ALAMANCE MAYOR	Don Tichy		35	35	0	0	0
VILLAGE OF ALAMANCE ALDERMAN	Gayle Andrews		31	31	0	0	0
	Mike Baldwin		27	27	0	0	0
	Naydine Sharpe		32	32	0	0	0
CITY OF BURLINGTON MAYOR	Ian Baltusis		2,739	2,365	337	32	5
	Gelo Faucette		2,192	1,944	226	11	9
CITY OF BURLINGTON COUNCIL	Jim Butler		2,193	1,954	218	14	7
	Patrick Mills		1,860	1,613	220	26	1
	Harold Owen		2,874	2,534	312	18	10
	John Thorpe		1,981	1,704	247	23	7
TOWN OF ELON MAYOR	Jerry Tolley		525	494	19	9	3
TOWN OF ELON ALDERMAN	Jim Chanas		230	215	11	4	0
	Davis Montgomery		364	343	14	6	1
	Emily Sharpe		489	469	20	5	3
TOWN OF GIBSONVILLE ALDERMAN	Jennifer Dean		45	45	0	0	0
	Shannon O'Toole		136	118	18	0	0
	Ken Pleasants		99	92	7	0	0
	Veronica Leath Revels		74	68	6	0	0
	Paul Thompson		72	62	10	0	0
CITY OF GRAHAM MAYOR	Jerry Peterman		729	468	257	3	1
	Jim Young		165	126	37	0	0
CITY OF GRAHAM COUNCIL	Larry E. Brooks		444	292	150	2	0
	Steven W. Sumner		243	168	73	2	0
	Chip Turner		494	324	166	3	1
	Melody L. Wiggins		474	325	147	1	1
TOWN OF GREEN LEVEL COUNCIL	Carissa A. Graves-Henry		108	106	2	0	0
	Michael Trollinger (Write-In)		92	91	1	0	0
	Tyra Francis (Write-In)		25	23	2	0	0
	William Lance Hain		20	17	3	0	0
	Elgin Williams		41	36	5	0	0
TOWN OF HAW RIVER COUNCIL	Ashley Warren (Write-In)		9	9	0	0	0
	Kelly Allen		80	78	2	0	0
	Barbara Boggs (Write-In)		2	2	0	0	0
	Jeff Fogleman		56	53	3	0	0

Organizational Meeting of Council:

- a. *City Clerk Darcy Sperry administered the Oath of Office to Re-Elected Mayor Peterman.*
- b. *Ms. Sperry administered the Oath of Office to Re-Elected City Council Member Turner.*
- c. *Ms. Sperry administered the Oath of Office to Newly Elected City Council Member Melody Wiggins.*

Mayor Pro Tem Jimmy Linens stepped down at 7:12 p.m. and Council Member Wiggins took her seat on the bench.

Mayor Peterman presented exiting Mayor Pro Tem Linens with a key to the City as well as a framed picture with commemorative plaque indicating the years he has served the City of Graham as Mayor Pro Tem on the City Council. Former Mayor Pro Tem Linens stated that his time on the Council has been an honor and educational. He thanked the citizens of Graham for allowing him to serve.

- d. *Mayor Peterman nominated Council Member Kimrey as Mayor Pro Tem, seconded by Council Member Turner. All voted in favor of the nomination.*
- e. *The Council discussed the regular meeting schedule and with no changes made, Mayor Pro Tem Kimrey made the motion to keep the regular session meeting at 7:00 p.m. on the first Tuesday of each month, seconded by Council Member Turner. All voted in favor of the motion.*
- f. *By consensus, Council Members agreed to discuss Council Member appointments to Boards and Commissions at the January 2, 2018 City Council meeting.*

Consent Agenda:

a. Tax Releases

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
505485	2011-2015	BASTYS, RYAN LEE	BOAT NOT LOCATED IN THE CITY OF GRAHAM	103.25
524049	2017	MOORE, RICKY MCCLELLAN	VEHICLE NOW TAGGED	20.48
644599	2017	MARTIN, EMMETT WESLEY	DID NOT OWN JAN 2017	5.01
656053	2017	PUMPKIN HILL MILL LLC	HISTORIC EXEMPTION APPLIED	8,088.70

- b. Approval of the Graham Historic Museum Advisory Board Enabling Ordinance*
- c. Award contract for Whitsett Street and Staley Street Water and Sewer Improvements to Thomas Stanley Grading & Hauling Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, subject to easement acquisitions and permit approvals*
- d. Appoint Anne Maynard to the Graham Sports Hall of Fame Committee with term to expire June 30, 2023*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Mayor Pro Tem Kimrey asked to pull item “b” and “c”.

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

Mayor Peterman advised that the Historical Museum Board of Directors has not voted on the proposed final version of the enabling ordinance. Council Member McClure made a motion to send item “b” of the Consent Agenda back to the Board of Directors for approval, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Following a brief discussion between Council Members, Staff and Mr. Kyle Smith of Alley, Williams, Carmen & King, Council Member Wiggins made a motion to approve item “c” on the consent agenda, seconded by Council Member Turner. All voted in favor of the motion.

Requests and Petitions from Citizens:

a. Temporary Encroachment request by Jason Cox

Assistant Manager Aaron Holland explained that Mr. Jason Cox of Carolina Property Holdings is requesting permission from the City of Graham to allow him to extend his temporary encroachment for outdoor dining to the area directly abutting Sesquicentennial Park. He added that Section 18-194 of the Code of Ordinances allows for a business to extend a temporary encroachment if permission is granted by the adjacent landowner. In this case, the City of Graham is the fee simple owner of Sesquicentennial Park and would have to grant permission to extend the encroachment for outdoor dining.

Mr. Cox of 200 North Main Street Graham stepped forward to address Council. Mr. Cox stated that as the fee simple owner of the property requesting permission, this request tonight is not requesting an encroachment, but rather permission to apply for an encroachment thru the City's established encroachment permit process. Following a brief discussion about encroachment widths and movable barriers, Council Member Wiggins made a motion to approve the request by Jason Cox with Carolina Property Holdings and to provide written consent to utilize the sidewalk area adjacent to Sesquicentennial Park for the use of outdoor dining. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

Volunteer Firemen Call Compensation:

City Manager Frankie Maness stated that the City has long contributed \$10 per call for each volunteer firefighter that attends a call. Of the \$10, \$9 is paid to the firefighter and \$1 is paid to the Fireman's Relief Fund. Mr. Maness advised that the request before Council is for the City to pay that \$1 to the Fireman's Relief Fund rather than the firemen themselves. If approved, the firefighter would get the full \$10 per call. Mr. Maness estimated that this would cost the City approximately \$3,000 annually.

Mayor Peterman asked to be recused due to him being a volunteer fireman with the City and would have a financial interest in this request. Mayor Pro Tem Kimrey made a motion to recuse Mayor Peterman, seconded by Council Member Turner. All voted in favor of the motion.

Council Members recognized the wonderful service our volunteer firefighters provide and recognized the time and dedication they provide to the citizens of Graham. Mayor Pro Tem Kimrey asked Fire Chief John Andrews about whether or not the City has seen an increase in volunteerism since extending the residency boundary for volunteers. Mr. Andrews stated that we currently have 33 firefighters on our roster, including full time, part time and volunteers. We can have up to 36 per State code.

Council Member Turner made a motion to provide \$1 in funding per call for volunteer firefighters to be paid into the Fireman's Relief Fund, seconded by Council Member McClure. All voted in favor of the motion. Mayor Peterman rejoined the Council.

Issues Not Included on Tonight's Agenda:

City Attorney Keith Whited thanked former Mayor Pro Tem Linens for his service.

Mr. Andrews thanked former Mayor Pro Tem Linens for the support he has shown the Fire Department.

Council Member McClure thanked former Mayor Pro Tem Linens for the class he's brought to this Council. He also recognized the City for recently being given a healthy workplace award.

Council Member Turner thanked former Mayor Pro Tem Linens as well as his wife, Millicent, for her support over the past 12 years. Additionally, he welcomed Council Member Wiggins, thanked Mayor Pro Tem Kimrey for his work in the removal of the Southern Loop and thanked everyone for the care shown to him during his Mother's recent illness.

Mayor Pro Tem Kimrey thanked former Mayor Pro Tem Linens for his honesty while serving the City.

Mr. Maness thanked former Mayor Pro Tem Linens for his service. He also reminded Council of the breakfast at Alamance Community College on December 8, 2017.

Mayor Peterman thanked everyone for the successful Veteran's Day and Christmas Parades.

At 7:44 p.m. Council Member Turner made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk