

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JANUARY 2, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, January 2, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

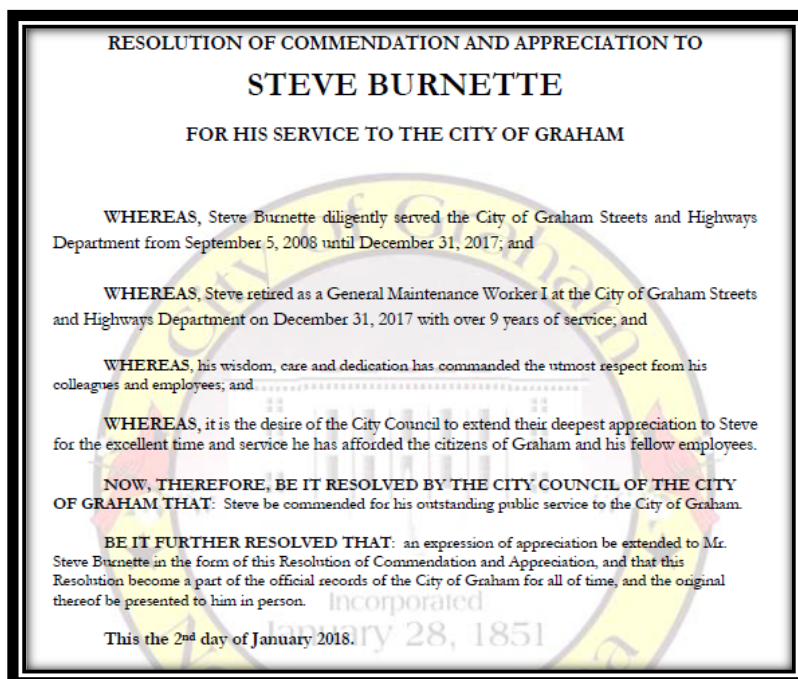
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Sandra King, Finance Director
Brian Faucette, Recreation & Parks Director
Becky Loy, Cobb Ezekiel Loy & Company

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:

- *Steve Burnette – Resolution of Commendation and Appreciation for over 9 years of service to the City of Graham*

Mayor Peterman presented Mr. Steve Burnette with a Resolution of Commendation and Appreciation and a gift from the City. He thanked Mr. Burnette for his service to the City. Mr. Burnette thanked everyone while stating that he enjoyed his time with the City.



Consent Agenda:

- a. Approval of Minutes – December 5, 2017 Regular Session*
- b. Amend Fee Schedule for Graham Recreation and Parks Day Camp*
- c. Amend City of Graham Code of Ordinances Officials Page*

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

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

Mayor Pro Tem Kimrey asked Recreation and Parks Director Brian Faucette about the increase in trip costs. Mr. Faucette explained that some of the increase is due to ticket prices and the addition of bringing in specialized professionals to teach campers. Council Members spoke favorably about the program and its ability to run at full capacity. Mayor Pro Tem Kimrey made a motion to approve item “b” on the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.


Old Business:

- a. Approval of the Graham Historic Museum Advisory Board Enabling Ordinance*

City Manager Frankie Maness advised that this board has not yet met, so therefore, they have not voted on this proposed enabling ordinance and advised Council to postpone this item. Mayor Pro Tem Kimrey made a motion to postpone this item to next month, seconded by Council Member McClure. All voted in favor of the motion.

- b. Discuss Council Member Appointments to Boards and Commissions*

Mayor Peterman made the motion to accept the following Boards and Commissions appointments for Council Members, seconded by Council Member McClure. All voted in favor of the motion.

Memorandum		
To:	Graham City Council	
cc:	Frankie Maness	
From:	Darcy Sperry	
Date:	12/5/2017 & 1/2/2018	
Re:	Board Appointments	
		
<p>Below is the current listing of City Council Member appointments to various Boards and Commissions. The organizational meeting is an opportunity to discuss and/or make any changes to these appointments.</p>		
Board	Name	Term Expiration Date
Alamance County Community Services Agency	Mayor Jerry Peterman	City Council Term
Alamance County Economic Development Committee	Council Member Griffin McClure	City Council Term
Appearance Commission	Mayor Jerry Peterman	City Council Term
Audit Committee	Mayor Jerry Peterman	City Council Term
Cemetery Advisory Committee	Council Member Chip Turner	City Council Term
Fireman Pension Fund	Mayor Jerry Peterman	City Council Term
Graham Historical Museum	Council Member Melody Wiggins	City Council Term
Historic Resources Commission	Council Member Melody Wiggins	City Council Term
Piedmont Triad Regional Council	Council Member Griffin McClure	City Council Term
Piedmont Triad Regional Council, Alternate	Mayor Pro Tem Lee Kimrey	City Council Term
Recreation Commission	Council Member Chip Turner	City Council Term
TAC	Mayor Pro Tem Lee Kimrey	City Council Term
TAC, Alternate	Mayor Jerry Peterman	City Council Term

Requests and Petitions of Citizens:

a. A request by Chelsea Dickey to amend the Temporary Outdoor Sales Ordinance

Mr. Tom Boney of the Alamance News asked staff about the current process by which a request can be placed on the agenda. He expressed concern with the lack of public notice given, while referencing another agenda item also on tonight's agenda that had public notice given and received a recommendation from the Planning Board. Mr. Maness explained that these two requests, while both initiated by citizens, they follow different core sets of guidelines. A Planning Board item follows the laws set forth in the state statutes related to Planning Boards and zoning which require certain public notices and the Planning Board to be involved. This request by Ms. Dickey does not follow that guideline, therefore by submitting something in writing, it can be placed on the agenda.

Assistant City Manager Aaron Holland gave a brief background of how this item came about. Last summer, resulting from a citizen request, Council discussed the City's Temporary Outdoor Sales ordinance. At that time, Council adopted a text amendment that allows for Temporary Outdoor Sales in the B-1 (Central Business District) as part of a City approved and permitted event. He added that Ms. Dickey addressed her concerns with the approved language at the October 3, 2017 City Council meeting, in which Council challenged staff to provide language that would alleviate her concerns with current regulations. The language that Ms. Dickey and staff are presenting to Council is one of the proposed options that staff provided as alternative language from the June 6, 2017 Council meeting. If approved, this would add Temporary Outdoor Sales to our Code of Ordinances and remove it from the Development Ordinance. Mr. Holland explained that the Development Ordinance regulates land use while the Code of Ordinances regulates behavior.

Following a discussion between Council and staff regarding the conflict we currently have with Temporary Outdoor Sales being in both the Code of Ordinances and the Development Ordinance, Mayor Peterman entertained comments from the floor.

Ms. Dickey of 200 North Main Street stepped forward to address Council. She stated that she wanted to bring this back to Council in hopes that Council would consider removing the language that states that Temporary Outdoor Sales in the B-1 district can only take place as part of a City approved and permitted event. She added that we are losing opportunity to other cities. Council Member Wiggins advised that we have to look at all outdoor sales and not just downtown.

Mr. Don Penny of Sutton's At The Wrike and Mr. & Mrs. Chuck Talley of 808 Sideview Street Graham expressed various concerns with Council adopting this proposed language. Mr. Ricky Hall of 2501 Pepperstone Drive Graham and Chairman of Graham's Planning Board stepped forward and expressed concern with why Council is entertaining an amendment to the ordinance they approved in June 2017. He stated that when the current language was adopted in June of 2017, Council said they would review it in one year.

Council Members briefly discussed the conflict this ordinance presents by having language governing temporary outdoor sales located in both the Code of Ordinances and the Development Ordinance. Council Members discussed that temporary outdoor sales is much more than just food trucks and that language needs to reflect all outdoor temporary sales.. Council Member McClure stated that he likes the concept of outdoor temporary sales on private property, with some mechanism allowing for discretionary use. Mayor Pro Tem Kimrey stated that the availability of personal property in the downtown area is low. He added that many buildings consume the entire parcel.

By consensus, Council Members agreed to table this item and challenged staff to come back with language that moves this into one code, creates a permit process for citizens and regulates non-profit and yard sales.

Recommendations from Planning Board:

a. Public Hearing: AM1709 Duplex Dwellings. A request by Jim Albright to permit duplex dwellings as use-by-right in medium and high density zones

Planning Director Nathan Page explained that this is an application by Mr. Jim Albright to amend the ordinance to permit Duplex Dwellings as a use by right in our medium and high density residential zones. Staff recommends that the definition of dwelling, duplex include that all duplexes shall maintain sufficient parking for residents on a concrete, asphalt or permeable substitute surface, not to include gravel, in the rear yard.

Mayor Pro Tem Kimrey spoke of the conflict that may arise if we allow someone to erect a duplex on a vacant piece of property governed by a homeowner association (HOA) covenant prohibiting duplexes. Mr. Page advised that the City does not enforce HOA covenants.

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

Mr. Maness stated that the City currently has approximately 2,000 acres of undeveloped land throughout the City. Council Members ultimately decided that the guidelines we already have in place for duplexes are sufficient. Mayor Pro Tem Kimrey made a motion that the text amendment be denied, the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan and that this action is not reasonable and in the public interest for the following reason: It does not provide us with enough oversight on our land use. Council Member Turner seconded the motion and all voted in favor of the motion.

Audit Presentation:

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City's audit report for Fiscal Year 2016-2017. Ms. Rhodes stated that this is the third 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.

Council Members expressed their appreciation to Ms. Rhodes, Ms. Loy, Finance Director Sandra King and Mr. Maness for their efforts and asked that Mr. Maness pass that along to his staff.

North Carolina Department of Transportation Resolutions:

a. Approve resolution regarding the improvements to widen and improve the radius and signal upgrade at the intersection of NC 54 and SR 1945 (Riverbend Road)

Mr. Page explained that the North Carolina Department of Transportation (NCDOT) asked us if we had any low cost, high impact projects, excluding bicycle and pedestrian projects. The intersections of East Harden Street/Highway 54, Riverbend Road, and Johnson Avenue was identified as a project that fit the scope laid out by NCDOT. Mr. Page added that these intersections were also part of a City-initiated study in 2009 (09-023 by John Davenport Engineering, Inc.) that evaluated safety and design improvements. Amongst the study recommendations is to control access in the vicinity of the intersection, namely closing the driveway to the Am-Mex restaurant which is located on Highway 54.

Following a brief discussion between Council and staff, Council Member Wiggins made a motion to approve the Resolution regarding the improvements to widen and improve the intersection of Highway 54 and State Route 1945, that includes a request for pedestrian amenities and Johnson Avenue alignment, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

<p style="text-align: center;">RESOLUTION REGARDING THE IMPROVEMENTS TO WIDEN AND IMPROVE THE RADIUS AND SIGNAL UPGRADE AT THE INTERSECTION OF NC 54 AND SR 1945 (RIVERBEND ROAD)</p> <p>WHEREAS, G.S. 136-11.1 requires that the North Carolina Department of Transportation ("NCDOT") request a resolution from all municipalities and counties affected by certain planned transportation projects to express their views on the project prior to any action taken by the North Carolina Board of Transportation ("Board");</p> <p>WHEREAS, the Department has proposed committing in excess of \$250,000 in High Impact-Low Cost funds for improvements to widen and improve the radius and signal upgrade at the intersection of NC 54 and ST 1945 (Riverbend Road) which is a planned transportation project;</p> <p>WHEREAS, pursuant to G.S. 136-11.1, the City is provided the opportunity to state its views on the Project through this resolution before action of the Board; and</p> <p>WHEREAS, the Department and the Board shall consider, but shall not be bound by, the views of the City regarding the Project.</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, THAT:</p> <p>Section 1. City of Graham supports the Project, to include, as it will enhance the safety of the traveling public in the area and requests the Department and the Board approve the Project.</p> <p>Section 2. The City believes that the Project should include:</p> <ul style="list-style-type: none"> A. Pedestrian safety improvements and amenities; B. The closure of the Am-Mex driveway in proximity to the intersection; and C. Alignment of Johnson Ave. <p>Section 3. This resolution shall be effective upon passage.</p> <p>This the <u>2</u> day of <u>JANUARY</u> 2018.</p>

b. Approve resolution regarding the repaving of the Court Square and portions of Main Street/Highway 87

Mr. Page explained that this Resolution differs from the one just approved in that this does involve City funds. He added that NCDOT will cover the cost of repaving; however the City of Graham will be responsible for paying for both bump-outs, as well as the replacing of the decorative crosswalks downtown. The City asked the City's engineer to investigate the cost of repaving and installation of two bump-outs. The estimated price for the decorative crosswalks is \$40,000 and both bump-outs are \$60,000 combined.

Council Members and staff discussed the effect bump-outs may have on existing parking spaces. Mr. Page advised it's too early to speak on those numbers. Also brought up was the idea of reverse angle parking, as shown in one of the plans included in the agenda packet. Mr. Maness stated that we are not to the point of determining that now and this resolution does not include reverse angle parking. Also discussed was stormwater run-off and asking NCDOT to remove the ditches/troughs on the south side of Court Square.

With no further comments forthcoming, Council Member Turner made a motion to approve the attached Resolution regarding the improvements to improve transportation safety within our Downtown and include the request the removal of the ditches/troughs on the south side of Court Square. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

<p align="center">RESOLUTION REGARDING THE REPAVING OF THE COURT SQUARE AND PORTIONS OF MAIN STREET/HIGHWAY 87</p> <p>WHEREAS, The North Carolina Department of Transportation ("NCDOT") is planning to repave a portion of Highway 87 to include the Court Square; and</p> <p>WHEREAS, the City has determined improving transportation safety is a priority; and</p> <p>WHEREAS, the City has proposed two locations for pedestrian bump-outs, creating additional parking spaces and potentially treating stormwater;</p> <p>WHEREAS, NCDOT has granted the City of Graham an encroachment permit to maintain crosswalk treatments within the Downtown;</p> <p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM that:</p> <p>Section 1. City of Graham supports the Project, because it will enhance the safety of the traveling public in the vicinity of the Downtown.</p> <p>Section 2. That the City will provide for the installation of decorative crosswalks and pedestrian bump outs.</p> <p>Section 3. That the City requests the removal of the ditches/troughs on the south side of Court Square.</p> <p>Section 4. This resolution shall be effective upon passage.</p> <p>This the <u>2</u> day of <u>JANUARY</u> 2018.</p>
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Issues Not on Tonight's Agenda:

Council Member Wiggins stated that she has received complaints about logging trucks in the downtown area and inquired as to whether or not we have requested NCDOT to re-route trucks such as these around the downtown area. Mayor Peterman advised that some trucks are not allowed on the Interstate and are therefore being re-routed through Graham. Mayor Pro Tem Kimrey stated that he has received complaints too about logging trucks on Main Street and unfortunately, there is not a good answer.

Mayor Pro Tem Kimrey stated that several members of the Board of Adjustment have requested that there be legal representation at the Board of Adjustment or any Quasi-Judicial meetings that may take place during a Planning Board meeting. Mr. Maness advised that if City Attorney Keith Whited were to attend these meetings and were to be asked a question during the hearing, he would then become a witness.

This could potentially create a conflict should someone take the City to Superior Court and Mr. Whited is a witness, preventing him from representing the City. Mr. Whited explained that he has given advice to Planning Board/Board of Adjustment members in the past and is always available to answer legal questions outside the confines of a hearing or meeting.

Council Member Turner thanked the Council and staff for the acts of kindness shown to him during the recent passing of his mother.

Council Member McClure encouraged Council Members to spend time thinking about and advocating on behalf of the citizens of Graham with regards to the education bond being brought before the County Commissioners.

At 9:31 p.m. Mayor Pro Tem 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, FEBRUARY 6, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 6, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

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

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Reverend Dr. Derrick Thorpe Sr. of the First Baptist Missionary Church in Graham gave the invocation and everyone stood to recite the Pledge of Allegiance.

Honorary Proclamations:

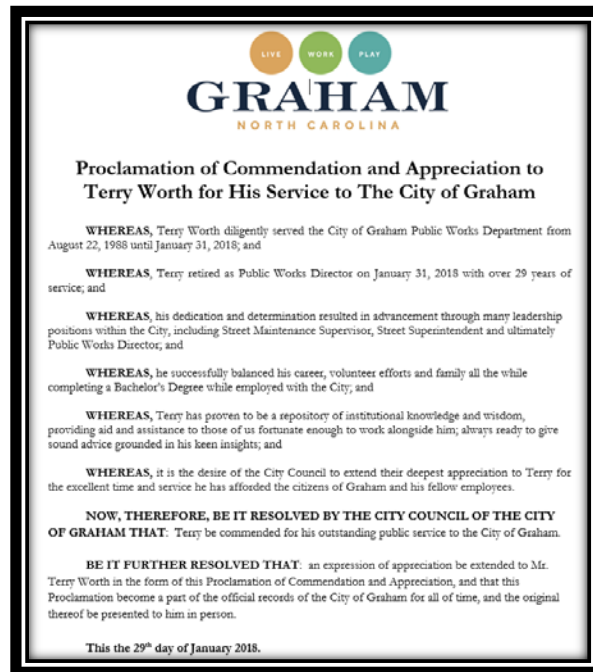
- *Mike Hodgin – Proclamation of Commendation and Appreciation for over 20 years of service to the City of Graham*

Mayor Peterman presented Mr. Mike Hodgin with a Proclamation of Commendation and Appreciation and a gift from the City. Mr. Hodgin thanked everyone and stated he appreciated the City.



➤ ***Terry Worth – Proclamation of Commendation and Appreciation for over 29 years of service to the City of Graham***

Mayor Peterman explained that Mr. Terry Worth was not in attendance. Mayor Peterman and City Manager Frankie Maness recently presented Mr. Worth with a Proclamation of Commendation and Appreciation along with a gift from the City.



Consent Agenda:

- a. Approval of Minutes – January 2, 2018 Regular Session***
- b. Tax Releases & Refunds***
- c. Tax Collector’s Mid-Year Report***
- d. Tax Collector’s Debt Set-Off Report***
- e. Remove Jerry Peterman from the Fireman Pension Fund***
- f. Appoint Tim Beshel to the Recreation Commission – term to expire June 30, 2018***
- g. Appoint Doug Rowe to the Graham Sports Hall of Fame Committee – term to expire June 30, 2023***
- h. Appoint Pat Moser to the Graham Sports Hall of Fame Committee – term to expire June 30, 2023***
- i. Approve Graham Recreation & Parks request to close the 100 block of W. Elm St. in downtown Graham from 5:00pm-11:30pm on May 24, June 28, July 26, August 23, September 13 (4:30pm-11:30pm to accommodate band) and September 27 for the 2018 Thursday at Seven Concert Series. Rain dates requested are: May 29, 31 - June 5, 7, 12, 14, 19, 21, 26 - July 10, 12, 17, 19, 24, 31 - August 2, 7, 9, 14, 16, 21, 28, 30 - September 4, 6, 11, 18, 20 - October 2, 4***

Mayor Peterman asked that item “a” be pulled from the Consent Agenda. He asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Chip Turner asked to pull item “f”, while Mayor Pro Tem Lee Kimrey asked to pull items “b”, “g” and “h”.

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

Mayor Peterman pointed out grammatical errors in the minutes and asked City Clerk Darcy Sperry to correct. Mayor Pro Tem Kimrey made a motion to approve item “a” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Mr. Maness to explain the Homestead Exemption included in item “b”. Mr. Maness explained that this tax discount is based on a variety of factors. He mentioned age, income and disability and stated that one can make application to Alamance County to see if they qualify for this exemption. Mayor Pro Tem Kimrey made a motion to approve item “b” on the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Council Member Turner questioned the expiration date for item “f”. Ms. Sperry advised that this appointment is to fill an unexpired term. Mayor Pro Tem Kimrey asked whose term Mr. Tim Beshel would be fulfilling. Recreation and Parks Director Brian Faucette stated it is Mr. Gordon Miller’s term. Council Member McClure made a motion to approve item “f” on the Consent Agenda, seconded by Council Member Wiggins.

Mayor Pro Tem Kimrey inquired as to the length of term in items “g” and “h”, pointing out that the agenda states a six year term, while the City’s website states members serve three year terms. Ms. Sperry confirmed six years is correct and advised that she will update the website. Mayor Pro Tem Kimrey made a motion to approve item “g” on the consent agenda, seconded by Council Member Turner. All voted in favor of the motion. Council Member Turner made a motion to approve item “h” on the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

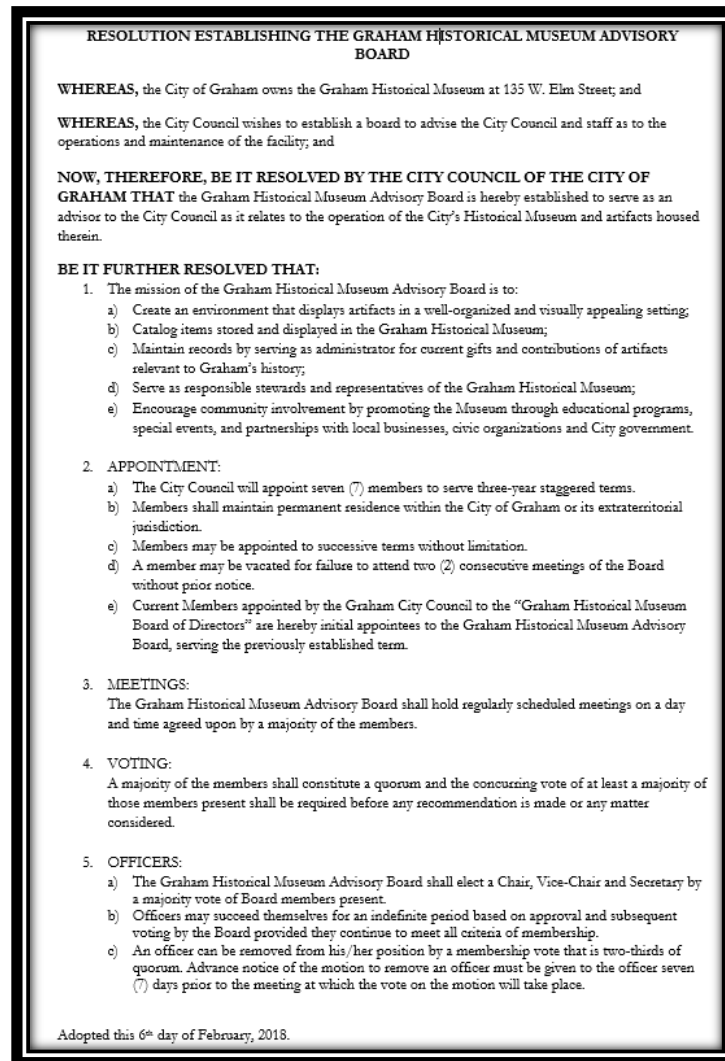
Old Business:

a. Approve Graham Historical Museum Advisory Board Enabling Resolution

City Manager Frankie Maness advised that while we have previously appointed volunteers to serve on the current Graham Historical Museum Board of Directors, there has been some uncertainty as to how this board came about. Members of this board have gotten together and drafted legislation for Council to consider adopting.

Mr. Tom Boney of the Alamance News wanted confirmation that the resolution, as written, makes this board an advisory board to the Council. Confirmation was given.

Council Member Wiggins made a motion to adopt the Resolution Establishing the Graham Historical Museum Advisory Board. Seconded by Council Member Turner. All voted in favor of the motion.



b. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland explained that during the January 2, 2018 City Council meeting, Ms. Chelsea Dickey and staff presented language to Council for consideration and direction. Upon further discussion, Council directed staff to present proposed language at tonight's Council meeting based on the input provided by Council Members, business owners and citizens. He added that in an effort to resolve conflicting ordinances and provide clarity, staff is proposing language that provides an avenue for a vendor to operate on private property with permission from the property owner. This language also outlines criteria for operation including permitting, duration and signage regulations.

Council Members and staff discussed a number of things, such as, buffer areas, enforcement, outdoor sales on private property, location, number of days permitted and multiple vendors per parcel. Following the discussion, Mayor Peterman opened the discussion to the floor.

Mr. and Mrs. Chuck Talley of 808 Sideview Street Graham, Mr. Boney and Mr. Don Penny of Sutton's At The Wrike expressed concern with the language being proposed and that this agenda item had not been advertised. Mrs. Talley stated that it was her fear that Council would take action at tonight's meeting had the business owners not shown up to voice concerns.

Council and staff assured everyone that this was only added to the agenda per Council's request last month. Ultimately, Mayor Peterman asked for consensus from Council that this item will not be voted on until the June 2018 Council meeting. Consensus was given. Council Members encouraged those in attendance to contact staff with language they would like to see in this ordinance.

Downtown Revolving Loan Fund:

City Planner Alexa Powell explained that the City of Graham received a \$50,000 Revitalization and Economic Development award for downtown revitalization. This money was provided by the State of North Carolina's Rural Development Division within the Department of Commerce. On September 15, 2017, Council Members voted to submit a proposal to the State to use these funds for a downtown revolving loan fund. Ms. Powell informed Council that the State approved this use of funds and requested the City of Graham provide an implementation plan. In the course of researching strategies for developing this revolving loan fund, City Staff identified The Rural Center as a potential resource to help manage this program and leverage these dollars to increase downtown investment. As a partnership, the City of Graham stands to gain an additional \$50,000 of value through the matching contribution to the loan fund by The Rural Center. Ms. Powell advised that there is a one-time setup fee of \$5,000 associated with training. To cover the cost of managing these funds, The Rural Center will use the interest earned off the loans, therefore, there is no ongoing expense to the City for this service.

Following a discussion between Council Members and staff with regards to interest rates, collection procedures, The Rural Center's record with such loans and the possibility of the City acting as the loan administrator, Mayor Peterman opened the discussion to the floor.

Mr. Boney asked who was eligible to apply and if there is a minimum or maximum amount for this loan. Mr. Maness stated that the parameters have yet to be set up. Mr. Jason Cox of 200 North Main Street and Mrs. Talley stepped forward and expressed concern with The Rural Center. Mr. Talley stepped forward and stated that he believes that lending money is not something the City should be involved in.

Council Members discussed what other options may be available for administering this revolving loan fund. They applauded Ms. Powell's efforts, but asked staff to come back with more viable options at the March 6, 2018 meeting. Mayor Pro Tem Lee Kimrey made a motion to deny and do not move to authorize the City Manager to sign the Consulting Agreement with The Rural Center, seconded by Council Member McClure. All voted in favor of the motion.

Pine Street Speed Limit:

Planning Director Nathan Page explained that this request is to amend the speed limit on Pine Street from Holt Street to Melville Street from 35mph to 20mph. He added that activity in and around our downtown is poised for an uptick. Motorists in this area are increasingly likely to encounter conflicts as they travel near our downtown. With this realization, City staff as well as NCDOT have been evaluating this area for safety improvements. The subject segment of Pine Street presents multiple sources of conflict for motorists; including pedestrian crosswalks, intersections with multiple movements, a school, fire department, detention center, post office and future bike lanes. NCDOT has established a 20mph speed limit for Harden Street from the Oneida Mills to Dollar General. Harden Street runs parallel and has many similarities to Pine Street.

In addition, NCDOT is currently evaluating the speed limit for the intersecting block of Highway 87 in front of the Children's Museum and City Hall, with the expectation that they will return a recommendation for a 20mph speed limit.

Following a brief discussion between Council and staff, Mayor Peterman opened the discussion to the floor. Ms. Jan Searls of 526 E. Pine Street stepped forward and asked Council to consider making the speed limit 20mph all the way down to Goley Street. Mayor Peterman advised that Council cannot take action on an item not on tonight's agenda. He encouraged her to make this request to staff and staff will bring it back before Council.

With no further comments forthcoming, Council Member McClure made a motion to amend the speed limit on Pine Street from Holt to Melville from 35 to 20mph, seconded by Council Member Turner. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Mayor Peterman advised that he was moving this agenda item in front of the Closed Session.

Mr. Page introduced Mr. Kailen Zorzi, Mr. Aiden Loftus and Mr. Jeremy Keys, students from Elon University. Mr. Page explained that as part of their school project, this group is working on branding and positioning statements for the City of Graham. The three gentlemen presented Council with various branding and positioning statements and advised that they will return later this spring to present new logo options for Council to consider.

Mr. Paul Harden of 16 NE Court Square Graham expressed concern for the lack of parking enforcement in the downtown area.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318.11 (a) (3):

At 9:15 p.m. Council Member Chip Turner made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318.11 (a) (3): To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

At 9:37 p.m. Mayor Peterman reconvened the regular meeting. He advised that City Attorney Keith Whited spoke to Council about zoning violations.

Issues Not on Tonight's Agenda (continued):

Mr. Maness reminded Council to check the calendar on their iPad for upcoming events.

Mayor Pro Tem Kimrey expressed concern that people don't know where the City's municipal parking lots are located and feels like this might be the time to revisit permanent wayfinding signage throughout the downtown area.

Council Member Turner stated that he has received complaints about larger vehicles taking up more than one space in the downtown area.

Council Member McClure and Council Member Wiggins stated they have received concerns about parking as well.

Mayor Peterman reminded Council that Friday, February 9, 2018 is the Fire Department's Annual Ladies Night Dinner.

At 9:41 p.m. Mayor Pro Tem 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
SPECIAL SESSION
TUESDAY, MARCH 5, 2018
5:30 P.M.**

The City Council of the City of Graham met in special session at 5:30 p.m. on Monday, March 5, 2018, in the Conference room of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Alexa Powell, City Planner
Tonya Mann, Utilities Director
Jeff Prichard, Police Chief
Brian Faucette, Recreation & Parks Director

Mayor Jerry Peterman called the meeting to order and presided at 5:34 p.m.

Mayor Peterman stated that the public may have questions about this agenda as well, so he asked Council Members to consider questions asked tonight, be asked at tomorrow night's meeting as well. Staff discussed the various agenda items and general discussion ensued.

With no further business to discuss, Council Member Chip Turner made a motion to adjourn at 7:04 p.m., seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 6, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 6, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Alexa Powell, Planner
Brian Faucette, Recreation & Parks Director
Jeff Prichard, Police Chief
Tonya Mann, Utilities Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Pastor Stephen Hall of the Anchor Church of Alamance County gave the invocation and everyone stood to recite the Pledge of Allegiance.

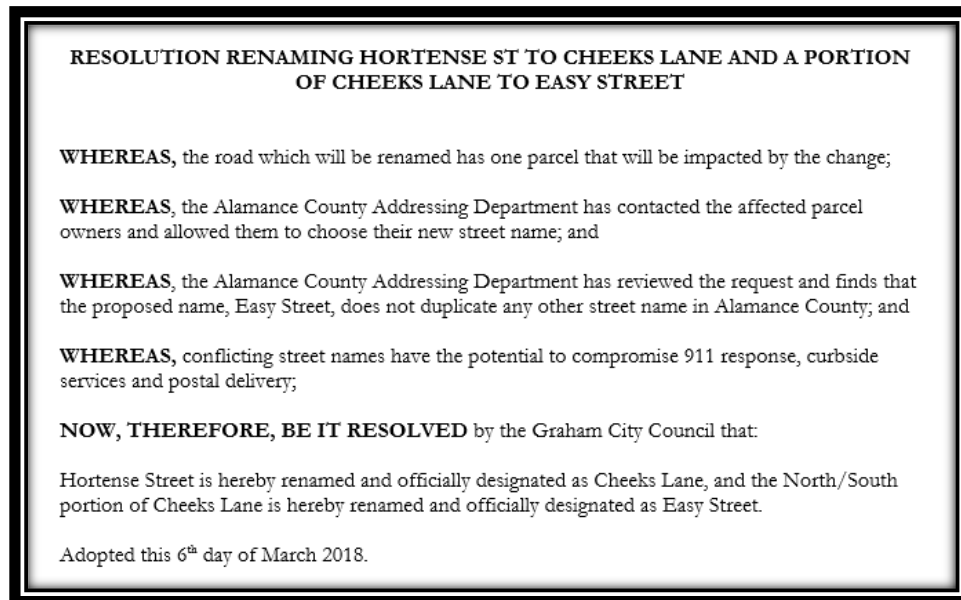
Consent Agenda:

- a. Approval of Minutes – February 6, 2018 Regular Session*
- b. Tax Releases & Refunds*

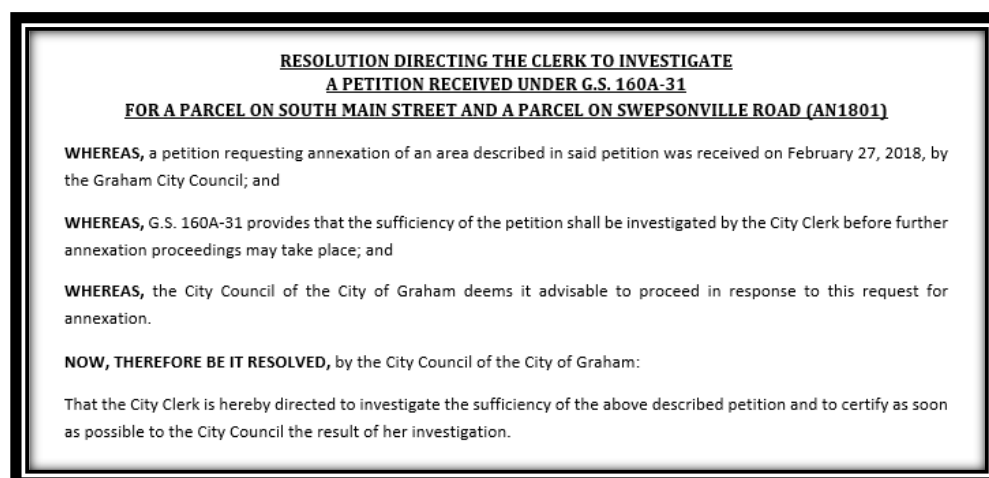
CITY OF GRAHAM RELEASE ACCOUNTS				
MARCH COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
490163	2017	PUCKETT, THOMAS ROBERT	JF DID NOT LIVE IN CITY OF GRAHAM JAN 1	34.13
512724	2017	ELLINGTON, SCOTT THOMAS	DID NOT OWN BAYLINER JAN 1	53.69
552859	2011-2017	RIMAS, JOSE BAUTISTA	MH DOUBLE LISTED WITH ACCT #603726	31.40
653299	2015	CRUZ, JAVIER	MH LISTED AS 2007 INSTEAD OF 1977	71.75

CITY OF GRAHAM REFUNDS				
MARCH COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED
664090	2017	CARTER, ODELL	QUALIFIED FOR HOMESTEAD EXEMPTION	435.23
664116	2017	PRESTON, LANEY	CORRECTED SQUARE FOOTAGE	282.59
615344	2017	FIRST CITIZENS BANK	PORTION OF PP CODED WRONG DISTRICT	733.46

- c. *Approve resolution authorizing the renaming of a portion of Cheeks Lane to Easy Street and Hortense Street to Cheeks Lane*



- d. *Approve request from Graham United Methodist Church to close East Market Street on Saturday, March 24, 2018 from 10:00am-4:00pm for a community Easter “Egg”stravaganza event*
- e. *Approve request from Graham Recreation and Parks to close the 100 block of West Elm Street on Saturday, March 24, 2018 from 5:00pm-11:00pm for the Grown Up Easter Egg Hunt Event*
- f. *Appoint Renee Russell to Appearance Commission – to fulfill the unexpired term of Denise Baker, June 30, 2020*
- g. *Appoint Jeannette Beaudry to Historic Resources Commission – to fulfill the unexpired term of Denise Baker, June 30, 2020*
- h. *Approve resolution requesting City Clerk to Investigate Sufficiency and resolution Fixing Date of Public Hearing on Question of Annexation for a parcel on Swepsonville Road and a parcel on South Main Street (AN1801)*



**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A PARCEL ON SOUTH MAIN STREET AND A PARCEL ON SWEPSONVILLE ROAD (AN1801)**

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 April 3, 2018.

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 point in the eastern right of way of South Main St. (N.C.Hwy.87) ,the corner of the existing City of Graham Corporate Limits as referenced in the plat recorded as Final Plat Corporate Limits Extension, City of Graham, Plat Book 63 Page 37, and a corner with Frankie C. Thomas; Running thence with the City of Graham Corporate Limits and the southern line of Frankie C. Thomas and Onslow O. Thompson and Roy Michael Thompson, N 64°26'18"E, 373.95' to a point in the western right of way of Swepsonville Road (S.R.2116), a corner of the existing City of Graham Corporate Limits; Running thence in the western right of way of Swepsonville Road, S35°13'06"E, 53.99' to a point; continuing in the western right of way of Swepsonville Road in a curve to the right having a radius of 2848.93', a chord bearing and distance of S35°24'58"E, 46.44', a corner with Onslow O. Thompson III and Roy Michael Thompson; running thence with the northern line of Onslow O. Thompson and Roy Michael Thompson and the northern line of Kelly Baldwin, S64°31'54"W, 422.00' to a point in the eastern right of way of South Main St (N.C. Hwy. 87); thence with the eastern right of way of South Main St. (N.C. Hwy. 87) N08°01'58"W, 103.08' to the point and place of beginning containing 0.90 acres+- (0.0014 square miles) as shown on the survey, Final Plat, Recombination for Mary Eleanor Thompson and Corporate Limits Extension City of Graham dated 6/8/16.

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.

Mayor Peterman asked if anyone would like to pull any of the items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items "c", "e" and "f".

Council Member Melody Wiggins made a motion to approve items "a", "b", "d", "g" and "h" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Planning Director Nathan Page to explain why we have to approve the renaming streets in item "c". Mr. Page stated that while these are both NCDOT streets, the City is responsible for signage. The request is to accommodate the E-911 system. Mayor Pro Tem Kimrey made a motion to approve item "c" on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Recreation & Parks Director Brian Faucette to explain the Adult Easter Egg Event referenced in item "e". Mr. Faucette stated that this is the Recreation & Parks first attempt to hold an adult themed event. There will be a \$5.00 admission fee and live band along with a prize filled egg hunt. The 100 block of West Elm Street will be closed to accommodate the event. Mayor Pro Tem Kimrey made a motion to approve item "e" on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey wanted to thank Ms. Denise Baker for her service to the City referenced in item "f". Mayor Peterman asked staff to send a thank you letter to Ms. Baker.

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

Old Business:

a. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland explained that due to scheduling conflicts, he has not been able to meet with parties who expressed some concern with language being proposed by staff. He advised that there is a meeting scheduled for this week and asked that Council table this item.

Council Member Turner made a motion to table this item until April, seconded by Council Member McClure. All voted in favor of the motion.

b. Downtown Revolving Loan Fund

City Planner Alex Powell explained that last month City Council directed staff to continue researching options for operating the Revolving Loan Fund for the City. In the course of investigating alternatives, City staff reached out to planners and city managers across the state to identify how other communities operate their revolving loan funds. Ms. Powell added that as a community, our shared interest in the Revolving Loan Fund is providing citizens access to the financial resources they need to pursue their dreams, whether those dreams involve, starting a new business, expanding their existing business or revitalizing buildings in downtown Graham. City staff has five available options include operating the Revolving Loan Fund in-house, a hybrid model, contracting with the Piedmont Triad Regional Council, using the NC Rural Center, or returning the money to the State. Ms. Powell advised that a private lender was contacted but did not respond to our request.

She added that the final plan to the State is due this month. For this reason a final decision on this item and the terms for executing the RLF must be reached at this Council meeting. Staff's recommendation is to approve the execution of a consulting agreement with the NC Rural Center for the management of a downtown Revolving Loan Fund for the City of Graham.

Council and staff discussed in length the advantages and disadvantages of using a hybrid model, in which the City would work with the Alamance Community Foundation (ACF) versus staff's recommendation of the Rural Center. Mayor Pro Tem Kimrey liked the idea for more control in who receives loans that would come with the hybrid model. He also prefers the ACF's 6% interest rate to that of the minimum 8% rate the Rural Center would offer. City Manager Frankie Maness stated we have to be very careful, in that public monies can only be invested in certain ways.

Council Member Wiggins praised staff on the extensive research done. She asked staff what the estimated cost associated with the hybrid model and Rural Center. Ms. Powell stated that the hybrid model is difficult to estimate costs. She gave the example that should the underwriter retained by the City be sued, the City would incur legal expenses for that underwriter. Ms. Powell stated that until we actually get a contract set up with the ACF, it is difficult to compare costs when we do not know at this point what the contract parameters might be.

She advised that the Rural Center has a one-time fee of \$5,000 and would match the City's \$50,000 investment, making the balance of the Revolving Loan Fund \$100,000. They would also handle all aspects of administering the Fund.

Council Member McClure asked how the City would benefit from using the ACF. Ms. Powell advised that one benefit would be that the City would have no legal requirement to share sensitive financial information about loan applicants. City Attorney Keith Whited spoke about public records laws and stated that what information is made public would be how the agreement is set up. Council Member Turner asked Mr. Maness how a city can grow their money. Mr. Maness went over the various ways cities can grow their money, but reiterated that we are limited in ways to invest public monies. He added that the number one priority when investing public monies is safety, followed by liquidity and yield. He stated that it is great to gain a higher yield, but we cannot compromise safety and liquidity in the process.

Council Member Turner inquired as to the length of the contract with the Rural Center and the ACF. Ms. Powell advised that the Rural Center contract is for two years, but provides an out clause should the City wish to pursue that.

Mr. Tom Boney of the Alamance News stepped forward to express concern with descriptions given by staff for what is and isn't public record.

Council Member McClure asked Mr. Maness about the timeline for these grant monies. Mr. Maness stated that by June 30, 2018, the funds were to be expended. He advised that we are behind the timeline which we submitted and was subsequently approved by the State of North Carolina Rural Development Division.

With no further discussion, Mayor Pro Tem Lee Kimrey made a motion to authorize the City Manager to sign an agreement with the Alamance Community Foundation and put together the guidelines for the hybrid model, seconded by Council Member McClure. Ayes: Mayor Pro Tem Kimrey, Council Member McClure and Council Member Turner. Nays: Council Member Wiggins and Mayor Peterman. Motion carried 3:2.

c. Statement/Tagline Presentation – Elon University

Mr. Page introduced Mr. Kailen Zorzi, Mr. Aiden Loftus and Mr. Jeremy Keys, students from Elon University. He explained that during last month's City Council meeting, these Elon Marketing students presented a variety of proposed positioning statements and taglines for the City of Graham as part of their undergraduate coursework at Elon University. These statements are the outcome of many in-person interviews with stakeholders, as well as public meetings. The draft statements will allow the City to move forward towards the next step of differentiating ourselves from surrounding municipalities while having a cohesive message to get across to residents, visitors, and individuals looking to move either themselves or their businesses to Graham.

While Council Members did not choose to formally adopt a positioning statement or a tagline for the City, they took turns letting the students know which positioning statement and tagline they liked best. Mayor Peterman thanked the gentlemen for their time and wished them luck with their class grade.

d. Pine Street Speed Limit

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to address Council. At last month's City Council meeting, Ms. Searls asked Council to consider changing the speed limit on a portion of East Pine Street. She asked Council to table this item until after the already approved bike lanes are installed. She stated that she would like to see if those might help slow down traffic in that area.

Council Member Turner made a motion to table this item until after the bike lanes are put in, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Requests & Petitions from Citizens:

a. Downtown Parking Wayfinding Discussion – Chelsea Dickey

Ms. Chelsea Dickey of 200 North Main Street Graham stepped forward and asked Council to consider addressing the need for more parking identification in the downtown area. Currently the City offers free parking in six lots surrounding the downtown area. Ms. Dickey stated that she had discussed this idea with Mr. Holland. Mr. Holland advised Council that after his conversation with Ms. Dickey, he reached out to a local sign company to get an estimate on what parking signs might cost. He presented Council with a couple of sign options and informed Council that he received a quote of \$550 for these parking directional signs.

Council Members and staff talked about the quantity of signs needed, costs, time line for installation and location of signs. All agreed that we need to be able to get people to downtown and into the City's lots.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward to express the need for wayfinding signs. He stated that he believes that the City can make a statement by investing in the downtown area.

Council Member McClure made a motion to pursue parking wayfinding initiative with a cap of \$8,000, seconded by Council Member Turner. All voted in favor of the motion.

b. Request from Brian Fisher for the consumption of beer or wine at the Grown Up Easter Egg Hunt Event on March 24, 2018 from 5:00pm-11:00pm

Mr. Brian Fisher of 148 Chuck Garner Place Graham stepped forward to address Council. He stated that he was making this request on behalf of himself and other Graham business owners. He informed Council that access will be restricted to two entrances, wrist bracelets will be available for purchase and only those wearing wrist bands will be served. He added that no glass containers will be served outside and all alcohol beverages will be in specially marked cups/cans.

Council Members, staff and Mr. Fisher discussed the \$5.00 fee for the event, liability and police presence. Mr. Faucette stated that the \$5.00 fee for this event covers the cost of the band and prizes.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and asked Council if he would be able to bring his own alcohol to this event. Mr. Whited stated no. Mr. Crissman expressed concern that all alcohol sales going through The Verdict.

Mr. Boney stepped forward and stated that he believes the City is setting a poor precedent for alcohol sales at City events and should avoid approving this request.

Ms. Searls stepped forward and suggested dropping "Easter" from the name and call it an Egg Hunt. She stated that she believes that not everyone will want to consume alcohol and there needs to be a way to include everyone.

Mr. Jason Cox of 200 North Main Street Graham stepped forward and stated that he has no issues with this event.

Mr. Fisher stated that his intent was to have several downtown businesses involved but the NCDOT would not allow it. He stated that there may be opportunity for other businesses to have a presence at the event to showcase their products.

Following another brief discussion between Council Members, Mayor Pro Tem Kimrey made a motion to approve the event as requested, seconded by Council Member Wiggins. All voted in favor of the motion.

Recommendations from Planning Board:

- a. **Public Hearing: Grandview Dr. (RZ1801). Request by Scott Wallace to rezone four lots on Grandview Drive from R-9 to R-7 due to survey error, GPIN 8883014496, 8883012482, 8883014424, 8883013453***

Mr. Page explained that due to an error by the original surveyor, the subject lots no longer comply with R-9 zoning. The error was brought to the current developer, Keystone Homes, attention. It is for that reason that they are requesting that four lots on Grandview Drive be rezoned from R-9 to R-7. Mr. Page added that the Planning Board recommended approval.

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

Mr. Gregory Gorrell of 340 Bear Branch Trail Reidsville stepped forward to address Council. Mr. Gorrell stated that he is the surveyor for the current developer. Council and Mr. Gorrell discussed the surveying error and what may have led to the error. Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made the 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 best utilizes the remaining property there after a mistake was made. Council Member Wiggins seconded the motion and all voted in favor of the motion.

b. Public Outreach Efforts – Eric Crissman, Graham Planning Board

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward to address Council on behalf of the Graham Planning Board. He stated that the Planning Board feels that the City is lacking on how information is disseminated to the public. Mr. Crissman alleged that board and commission members are not always made privy to what Council discusses and feel like they lack a voice in decisions made. Additionally, Mr. Crissman expressed concern with the current setup in the Council Chambers, stating that not all Council Members can be seen and heard by those sitting in the rear of the Council Chambers. He stated that the size of the monitors and sound system are insufficient for the size of the room. Mr. Crissman believes all meetings should be live streamed and archived. He asked Council to consider making the Council Chambers more user friendly, the visuals more acceptable and interaction between Council and the various board and commission members more inclusive.

Mayor Peterman thanked Mr. Crissman and agreed that the Council Chambers sound system and monitors have become outdated. He advised that this is budget season and they will take his concerns about the Council Chambers into consideration. Mayor Peterman told Mr. Crissman that he appreciates the concerns he expressed and that he will look into ways to get the boards and commission members to feel more included.

Back Creek Spillway Bid Award

Mr. Maness explained that this project was incorporated into our annual operating budget as part of the Water Plant's operating budget. This includes repairs to the Spillway, the addition of a Toe Drain at the base of the dam. He informed Council that bids were recently accepted and the lowest responsive bid was for \$208,305.90. Staff recommends approval as the dam is a high priority, high risk asset of the City.

Council Members, Mr. Maness and Utilities Director Tonya Mann discussed the project including bringing the lake down for approximately 60 days while repairs are made, the quality of materials being used and the installation of a Toe Drain as a corrective effort to recent State inspections.

With no further discussion, Council Member Wiggins made a motion to award the contract for Back Creek Reservoir Spillway Joint Sealant Replacement and Toe Drain Addition with Alternate B to Strickland Waterproofing 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.

Old Fields/Back Creek Outfall Agreement

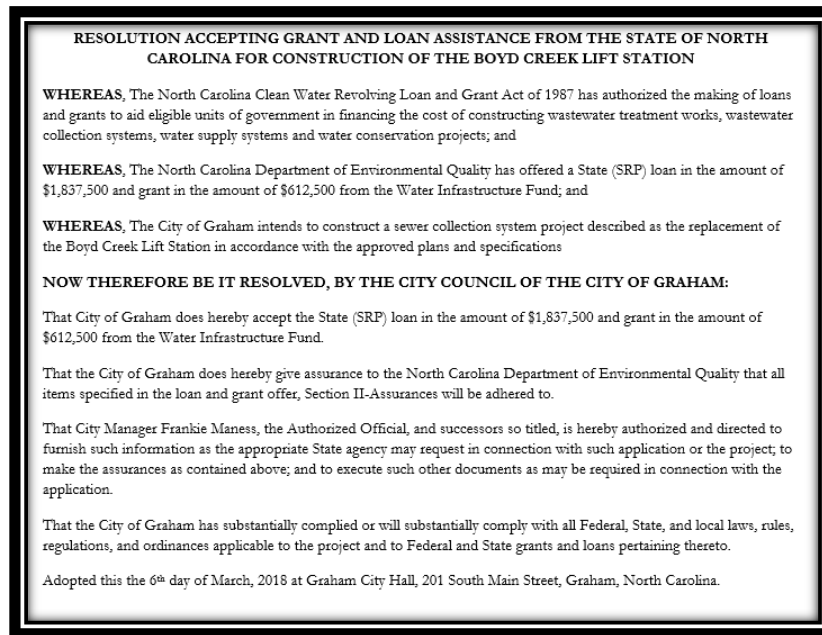
Mr. Maness advised that the developer had requested that the City postpone this request until he receives more concrete dollar figures.

Following a brief discussion in which Mr. Maness outlined the request, Council Members unanimously gave consensus to not take any action.

Boyd Creek Pump Station

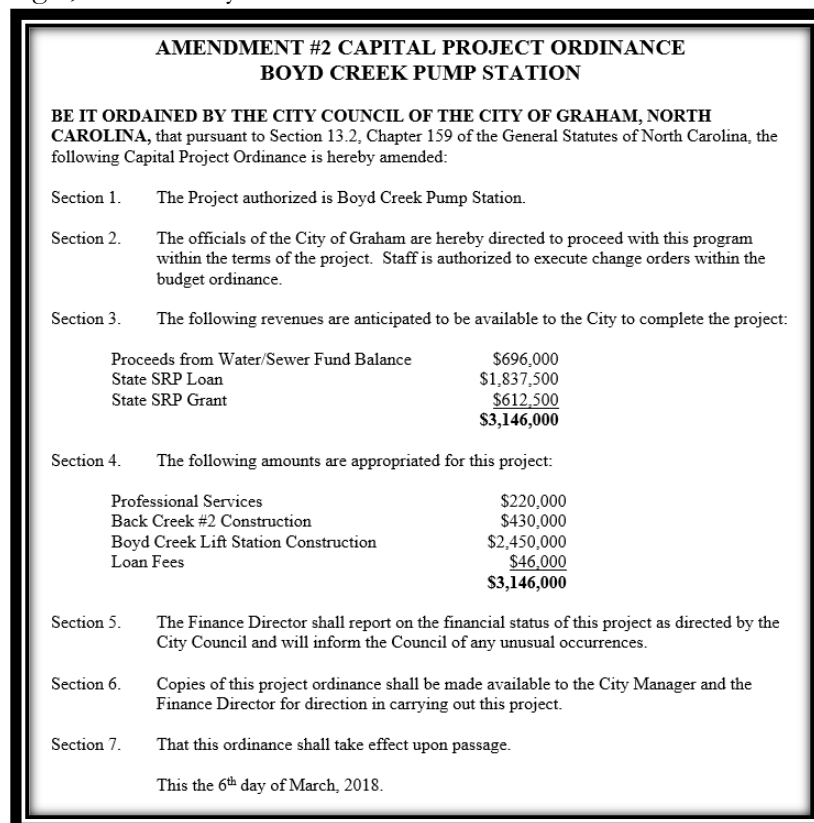
Mr. Maness explained that the Boyd Creek Pump Station has served the City well since 1959. He added that it is a high priority capital project and for the past two years, we have talked about how to finance replacement costs. Mr. Maness reminded Council that they authorized staff to pursue grant/loan funding through the State of North Carolina for the Boyd Creek Lift Station Replacement Project. In August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Staff has submitted and gained approval of the engineering report as well as approval from the Local Government Commission for the loan financing. The estimated cost of the project is estimated at \$2,450,000.

Following a brief discussion between Council Members and staff, Council Member McClure made a motion to approve the Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Pump Station, seconded by Council Member Wiggins. All voted in favor of the motion.



Mr. Maness explained that the 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 which is now complete. In August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Accounting for those funds is the purpose of the requested budget amendment.

Council Member Wiggins made a motion to approve Amendment #2 to the Boyd Creek Pump Station project budget, seconded by Council Member Turner. All voted in favor of the motion.



First Reading Amendment to the Code of Ordinances – Temporary Parking Permit

Police Chief Jeff Prichard explained that he had spoken to Mr. Maness about a Temporary Parking Permit for construction workers in the downtown area. He stated that parking in the downtown area has been a topic of conversation at the last several Council meetings and after researching what other municipalities in our area are doing, he is recommending a \$5.00 per day fee for this permit.

Council Members and staff discussed the number of permits that can be issued at one time, the length of time a permit might be good for and guidelines for the permit.

Mr. Talley stepped forward to once again address Council Members. While stating that he is in support of what the City is trying to do, he referenced former Police Chief Milford's idea of placing marked traffic cones behind construction vehicles which allowed vehicles to sit in that spot for the duration of construction. He suggested Council look at a different way to charge for this permit.

Council Members unanimously agreed that this ordinance, as proposed, is too vague and therefore by consensus, agreed to table this item. Mayor Peterman asked Chief Prichard to work on this and bring it back to Council.

Proposal to Purchase 516 West Elm Street

City Attorney Keith Whited explained that he has received Confirmation of Intent to Bid for Purchase of Access Parcel Contiguous to Graham Drive and Gene's Automotive Service & Repair for \$5,000. He added that this property is one of those properties that he spoke to Council about during the closed session at last month's Council meeting. This property has ongoing zoning issues, no deed for ownership and Council Members had previously directed Mr. Whited to look into resolving the issues with this property. Mr. Whited advised that he has met with the property owner and legal counsel of Gene's Automotive Service & Repair. All parties are aware that conditions may be required by Council in order for Council to entertain the sale of this property.

Council Members spent time discussing potential requirements such as fence height, fence screening, zoning and whether or not the City might be able to use this property for something in the future.

Mr. James Hunt Johnson of 106B South Maple Street Graham and the attorney for the owner of 516 West Elm Street Graham, stepped forward to answer questions from Council Members. Mr. Johnson was asked if his client understands that conditions may be placed on any potential sale. Mr. Johnson stated that his client is aware that this could be the case. Both he and Mr. Whited are trying to work out something beneficial for both the property owner of 516 West Elm Street and the City of Graham.

By consensus, Council Members unanimously agreed to allow the City of Graham to entertain offers for the Access Parcel Contiguous to Graham Drive and Gene's Automotive Service & Repair.

Issues Not on Tonight's Agenda:

Ms. Dickey stepped forward to ask Council to approve the closure of the alley next to the Scott building on March 8, 2018 for an art event. Mayor Peterman advised that historically, the Council does not take action on items not advertised to the public and therefore could not grant her request.

Mr. Holland advised that the Little Alamance Creek Cleanup is scheduled for March 17, 2018.

Mr. Maness informed Council that the City is now on Twitter and Instagram as well as Facebook. He also mentioned that the newsletter is attached to the email that goes out to customers who receive their bills via email.

Council Member Wiggins asked for prayers for City employee Eva Long with the recent loss of her daughter.

At 10:51 p.m. Mayor Pro Tem 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
THURSDAY, MARCH 15, 2018
8:00 A.M.**

The City Council of the City of Graham met in special session at 8:30 a.m. on Thursday, March 15, 2018, in the Conference Room of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

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

Mayor Jerry Peterman called the meeting to order and presided at 8:03 a.m.

Fiscal Year 2017-2018 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 2017-2018 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.

Budget Considerations for 2018-2019

Mr. Maness advised that the real property tax base increase is at 1.7%, but stated that number can fluctuate up or down. He stated that the Consumer Price Index (CPI) is at 2.1%. He advised that parties continue to work toward an operations agreement with the new animal shelter. Mr. Maness added that the City's health insurance continues to be the City's largest monthly expense and he anticipates that we will see another increase in rates in the upcoming budget. He expressed concern about the City's employee succession plan and stated that Council can expect to see concurrent salaries in budgets to come. Mr. Maness addressed the City's aging infrastructure, capital improvements and capitalizing on the City's downtown momentum.

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. Council Members and staff briefly discussed the proposed 2019-2023 Capital Improvement Plan Summary draft.

Discussion of 2017-2018 Budget with Department Heads

Mr. Holland spoke on behalf of the Information Technology Department, highlighting a new sound system for the Council Chambers and Wi-Fi in the downtown area as part of the CIP.

Police Chief Jeff Prichard informed Council Members that some of what he is asking for in the upcoming budget, have been asked for in previous years. He is requesting new flooring for the Police Department, four new police vehicles, upgrades at the Police Department's gun range, taser replacement, training room upgrades and an increase in personnel in the upcoming fiscal year. Chief Prichard advised that some shifts are working with the bare minimum number of officers and he is concerned for officer safety. He also spoke of the possibility of adding a drone to his department.

Fire Chief John Andrews spoke of his request for three additional fire personnel, a new fire engine, fire station renovations, air packs (SCBA), new brush truck, rescue tool (Jaws of Life) and new turnout gear in the upcoming budget. Chief Andrews advised that three additional fire personnel would allow him to have three shifts of three people.

Mr. Holland spoke on behalf of the Inspections and Planning & Zoning Departments. He stated that the Planning Department is requesting a downtown small area plan while the Inspections Department is requesting a new 4x4 suv in the upcoming budget.

Public Works Director Burke Robertson identified the Marshall, Travora, Pomeroy Storm Drain Project, a new 4x4 truck, Truby Drive repair design, a new suv, pedestrian sidewalks, street resurfacing, a new brine sprayer, improvements to the Elm Street and Maple Street municipal parking lots, generator repair and a new tandem dump truck as the Streets & Highways Department requests in the upcoming budget. He stated he is requesting a new automated garbage truck on behalf of the Sanitation Department. Mr. Robertson also spoke of the current growth of the City and the need for more personnel in order to continue to service all residents efficiently. Mr. Robertson briefly spoke about our cemeteries and the various options the City is looking into with regards to burials.

Recreation and Parks Director Brian Faucette addressed the need for a mountain/hiking trail at the Graham Regional Park (GRP), a key card door lock system at the Recreation Center, Alamance Arts electrical projects, Arts Council kitchen upgrade, a 14 passenger mini bus, a dog park, a Recreation Department master plan and GRP water line in the upcoming budget. Mr. Faucette identified a site master plan and a new lake patrol boat as needs for the Graham-Mebane Lake. When speaking on behalf of the Athletic Facilities Department, Mr. Faucette stated his upcoming budget requests include a Kabuto zero turn mower, renovations to the Oakley Street Park, South Graham Park restroom renovations, a Micro Rain MR 43 Traveler water reel and scoreboards for field three at Cooke Park and Goley Street Park.

Utilities Director Tonya Mann identified the Water & Sewer Distribution Department's need for the Ardmore Street line renewal, a new dump truck and a trailer jet sewer cleaner as requests in the upcoming budget.

She advised that the Maintenance & Lift Stations Department will be asking for renovations to the Pyrtle Drive lift station. Ms. Mann informed Council that requests for the Water Treatment Plant will include a new lake mixer and replacement of switch gear and the pump house.

She stated she is requesting a 50% recirculation pump, a new roof for the chlorine building, a new roof for the digester building, a new operator's truck, a primary scum pump, seal water pumps, a sludge mixer pump, a sterilmatic sterilizer and a vacuum pump at the Wastewater Treatment Plant.

Following a brief discussion about the various items presented, Council Member Chip Turner made a motion to adjourn at 12:33 p.m., seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 3, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 3, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Alexa Powell, Planner
Jeff Prichard, Police Chief
Duane Flood, Graham Police Lieutenant
Lorrie Andrews, Human Resources Manager
Sophie Mann, Human Resources Intern

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

Human Resources Manager Lorrie Andrews introduced Human Resources Intern Sophie Mann. Ms. Mann stated she is a candidate for graduation from Appalachian State University this May and has enjoyed her time working for the City this semester.

Consent Agenda:

- a. Approval of Minutes – March 5, 2018 Special Session*
- b. Approval of Minutes – March 6, 2018 Regular Session*
- c. Approval of Minutes – March 15, 2018 Special Session*
- d. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
APRIL COUNCIL MEETING				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
156161	2017	HOCHREITHER, PHILIP STRATTON	SOLD THE BOAT	5.01
462397	2017	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	32.76
462397	2016	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	51.37
462397	2015	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	44.48
462397	2014	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	41.82
462397	2013	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	34.61
462397	2012	ALAMANCE HEALTH CARE	BILLED GRAHAM, S/B CITY OF BURLINGTON	32.80

- e. Approve request from Graham Recreation and Parks to close the 100 block of West Elm Street on Saturday, April 14, 2018 from 5:00pm-11:00pm for the rescheduled Grown Up Easter Egg Hunt Event*

- f. Recognize April 21, 2018 as Arbor Day in the City of Graham*
- g. Declare property adjacent to 516 West Elm Street as surplus and authorize disposal via the upset bid method as outlined in NCGS 160A-269 and subject to the conditions as set forth in Section 4 of the Offer to Purchase and Contract submitted by Walt C. Zamora*

Mayor Peterman asked if anyone would like to pull any of the items from the Consent Agenda.

Mayor Pro Tem Lee Kimrey asked to pull item “c”.

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

Mayor Pro Tem Kimrey asked City Clerk to correct the list of Council Members attending the March 15, 2018 Special Session meeting. With no further comments, Mayor Pro Tem Kimrey made a motion to approve item “c” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland updated Council on the progress of the Temporary Sales Ordinance staff has been working on. He advised that he had an opportunity to meet with those individuals who had previously expressed some concern with the proposed language. Mr. Holland stated that the primary changes made were the removal of exemption for schools, religious organizations and 501c3 organizations. In addition, a change was made to the number of times per year a vendor may be able to have sales on private property.

Council Members and staff discussed whether vendors would be monitored by the hour or by day and whether or not the reduction in the number of days from 60 to 12 was too extreme. Staff was also asked to speak to City Attorney Keith Whited to inquire as to whether or not the City can regulate food truck appearance.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward to ask if farmers markets would be covered under this ordinance. Staff advised that farmers who grow their own fruit and/or vegetables would be allowed to sell on their own property and would be exempt from this ordinance.

Mr. Don Penny of Suttons at the Wrike encouraged Council Members to consider monitoring by days and not hours.

Council Members challenged staff to look at other municipalities to determine the appropriate number of days vendors can sell on private property.

b. Downtown Revolving Loan Fund Update

City Manager Frankie Maness reminded Council that last fall, Council decided to pursue a Revolving Loan Fund. Staff investigated options and made recommendations for administering this fund. At last month’s meeting, Council voted to take action using a hybrid model with the Alamance Community Foundation (ACF). Mr. Maness advised that staff met with those folks to try and kick off this program and were advised that ACF is not able to service this program at this time.

He stated that we can either proceed with the City administering the fund or choose the previous staff recommendation of the NC Rural Center. City Planner Alexa Powell added that the only remaining option that can meet the timeline laid out by the grant is partnering with the NC Rural Center.

Council Members and staff briefly discussed the challenges encountered with trying to get this loan program underway.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and expressed his belief that the Rural Center's interest rate is too high.

Mayor Pro Tem Kimrey advised that he had made a call to Ms. Melody Adams, director of the Rural Grants/Programs of the North Carolina Department of Commerce. He explained that he informed Ms. Adams of the challenges this Council was having in getting this program started. Mayor Pro Tem Kimrey inquired as to what options may be available and that Ms. Adams advised that it is not too late to go in another direction with this grant. They spoke of a Downtown Small Area Plan and Wayfinding, both of which would be viable options. Council Members were in agreement with proceeding with wayfinding, as long as we receive a guarantee from Ms. Adams that we can proceed in this direction without penalty or fear of not meeting the already agreed upon timeline. Mr. Maness will reach out to Ms. Adams for confirmation that we can proceed with wayfinding.

Mayor Peterman made a motion to fund a wayfinding project downtown with \$50,000 from the state of North Carolina, seconded by Council Member McClure. All voted in favor of the motion. Mayor Peterman advised that if Ms. Adams informs Mr. Maness that we cannot do this, Mayor Peterman will call a special meeting to discuss other options.

c. Second Reading: Amendment to the Code of Ordinances – Temporary Parking Permit

Police Chief Jeff Prichard advised that at last month's Council meeting, concerns were voiced over the proposed fees contained in the Temporary Parking Permit Ordinance. Staff has taken into consideration those concerns and adjusted the proposed fees accordingly.

Council Members and staff discussed limits on multiple permits, time limits and the overall look of the permit.

Mr. Talley stepped forward and stated that he believes that if a contractor purchases a one year permit and their project is completed prior to that one year, the permit should expire when the project is complete and/or receives a certificate of occupancy.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the Ordinance amendment to CHAPTER 20- TRAFFIC AND VEHICLES, ARTICLE V- STANDING, STOPPING AND PARKING of the Code of Ordinances to allow for the issuance of a temporary parking permit and amend the Fee Schedule to establish a fee of \$5.00 dollars per day, \$25.00 dollars per month or \$150 dollars per year, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Requests & Petitions from Citizens:

- a. Public Hearing: Petition for Voluntary Contiguous Annexation for property at Swepsonville Road and South Main Street (AN1801)***
 - i. Approve Annexation Ordinance***

Mr. Holland explained that the area being considered for annexation is two lots which will be recombined into one on Swepsonville Road. The Annexation petition was filed while there were two lots in this area, but the Corporate Limits Extension Plat recombines the two parcels into one parcel at 1619 Swepsonville Road.

Following a brief discussion between Council Members regarding sewer availability in this area, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for a lot on Swepsonville Road and a lot on South Main Street, 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 A PARCEL ON SOUTH MAIN STREET AND A PARCEL ON SWEPSONVILLE ROAD (AN1801)

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 April 3, 2018, after due notice by publication on March 22, 2018; 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 April 3, 2018:

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 point in the eastern right of way of South Main St. (N.C.Hwy.87), the corner of the existing City of Graham Corporate Limits as referenced in the plat recorded as Final Plat Corporate Limits Extension, City of Graham, Plat Book 63 Page 37, and a corner with Frankie C. Thomas; Running thence with the City of Graham Corporate Limits and the southern line of Frankie C. Thomas and Onslow O. Thompson and Roy Michael Thompson, N 64°26'18"E, 373.95' to a point in the western right of way of Swepsonville Road (S.R.2116), a corner of the existing City of Graham Corporate Limits; Running thence in the western right of way of Swepsonville Road, S35°13'06"E, 53.99' to a point; continuing in the western right of way of Swepsonville Road in a curve to the right having a radius of 2848.93', a chord bearing and distance of S35°24'58"E, 46.44', a corner with Onslow O. Thompson III and Roy Michael Thompson; running thence with the northern line of Onslow O. Thompson and Roy Michael Thompson and the northern line of Kelly Baldwin, S64°31'54"W, 422.00' to a point in the eastern right of way of South Main St (N.C. Hwy. 87); thence with the eastern right of way of South Main St. (N.C. Hwy. 87) N08°01'58"W, 103.08' to the point and place of beginning containing 0.90 acres+- (0.0014 square miles) as shown on the survey, Final Plat, Recombination for Mary Eleanor Thompson and Corporate Limits Extension City of Graham dated 6/8/16.

Section 2. Upon and after April 3, 2018, 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 3rd day of April, 2018.

b. Request from Audrey Garton for permission to hold a Community Art Weekend in Downtown Graham on May 19, 2018 and May 20, 2018

Ms. Audrey Garton of 1060 Watercourse Circle Graham stepped forward and introduced herself as the founder of Independent Artist Movement. She asked Council for permission to host a Community Art Weekend in Downtown Graham on May 19, 2018 and May 20, 2018.

Ms. Chelsea Dickey of 200 North Main Street Graham advised Council that the event is not requesting the closure of any streets, but did request they be able to set up at 8:00 a.m. on May 19, 2018 with the event running from 12:00 p.m.-6:00 p.m. on May 19, 2018 and 12:00 p.m.-3:00 p.m. on May 20, 2018. She added that there would be artists, buskers, moveable mural projects and food trucks situated around the downtown area. She provided Council with a map of the area which depicted vendors set up downtown and around Court Square.

Council Members asked Ms. Dickey and Ms. Garton about the number of parking spots being blocked off, activity on sidewalks, if County permission had been granted and liability insurance.

Lieutenant Duane Flood of the Graham Police Department stepped forward and expressed his department's concern with the May 20, 2018 date requested. He advised that in recent years, May 20th has been the date in which his department has received a demonstration permit request from a group who holds a "Confederate Memorial Day" around the Alamance County Court House located in Court Square. At last year's demonstration, counter protesters showed up and things escalated to the point in which there were arrests made. Lieutenant Flood stated he is concerned for safety should there be multiple groups located in the same area with no roads being closed. As to date, his department had not seen a request for any demonstration permits in the Court Square area.

Council Members and staff discussed the demands this event, if approved, and a demonstration permit, if requested, would put on the Police Department. Mayor Pro Tem Kimrey stated that he does not like when bad behavior changes the way that Council looks at good events, while Council Member Wiggins asked if the Police Department would plan on having additional staff that weekend with or without a demonstration permit being issued. Lieutenant Flood stated his department would monitor the events leading up to this weekend and plan accordingly.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and encouraged Council to not approve this request for May 20th. She stated that she has no problem with it being held on May 19th, but is concerned for public safety should the same group as last year be granted a permit to demonstrate around the Court House. She also encouraged Council to require Ms. Garton and Ms. Dickey to provide liability insurance.

Chief of Police Jeff Prichard repeated Lieutenant Flood's statement by saying his department has not received any type of request from any other group for this same weekend. He said he has some discretion to deny any permit request.

Mr. Talley asked Chief Prichard how many demonstration permits were issued for last year's demonstration. Chief Prichard stated one.

Council Members asked Ms. Garton and Ms. Dickey if they had considered having their event take place only on May 19th. Ms. Garton stated that this is something that could possibly happen, but not something they want to consider at this time.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to allow the event as requested with the addition of liability insurance listing the City as a rider, seconded by Council Member McClure. All voted in favor of the motion.

c. Request from Chelsea Dickey for an Infrastructure Investment Matching Grant specific to Downtown Graham

Ms. Dickey presented Council with an overview of an Infrastructure Investment Matching Grant program she would like to see the City create. She stated that through her work at the Co/Operative, she is asked by business owners about incentive programs in the downtown area. The outline provided to Council is one that is modeled after a program in Fuquay-Varina, NC.

Council Members discussed the proposed minimum investment of \$250,000 by the City and wondered if restructuring the fee schedule or waiving some fees for downtown businesses might be a more viable option.

Mr. Boney expressed concern with this request. He stated he found it ethically questionable for an organization, the Co/Operative, to bring forth a request in which they can financially benefit.

Mr. Jason Cox of 200 North Main Street stepped forward and advised that the Co/Operative is a 501c3 organization and no one individual can own a 501c3.

With no further discussion, Mayor Peterman asked for consensus from Council to have staff look into this request to determine whether this would be a viable option for the City of Graham. Consensus was given.

Issues Not on Tonight's Agenda:

Mr. Holland advised that those signed up for a training class on April 10, 2018 in Kernersville that transportation will be leaving City Hall at 12:00 p.m.

Ms. Talley asked that downtown Wi-Fi be included in this year's budget.

Mayor Peterman announced that this Friday and Saturday, there will be free barbeque at Builders Discount in Graham.

Ms. Talley announced that April 13, 2018 is customer appreciation day at Colonial Hardware and everyone is invited to stop by and enjoy free barbeque.

At 9:32 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, MAY 1, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 1, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Chip Turner
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
Jeff Prichard, Police Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Griffin McClure gave the invocation. Eli Rachlin, 8th grade student at A.L. Stanback Middle School, played the Star Spangled Banner on trumpet.

Preliminary Water and Wastewater System Development Fee Analysis:

Mr. Glynn Fleming of the City's engineering firm Alley, Williams, Carmen & King (AWCK), presented Council with a preliminary draft of the City's written System Development Fee Analysis which was prepared in accordance with, and satisfies the requirements of, North Carolina House Bill 436 (HB-436). Mr. Fleming highlighted the Impact Fee, Equivalent Residential Unit, System Buy-In Method, System Buy-In Fee and Maximum System Development Fees as part of his presentation. Mr. Fleming, Council Members and staff briefly discussed the proposed fees and how they line up with current fees. City Manager Frankie Maness advised that our current fee for water is too high while our fee for sewer is too low. Mr. Maness added that Council will have to take action and repeal the old fees and adopt new fees, even if they differ from what AWCK has proposed.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and asked about minimum fee amounts. Mr. Maness stated that the City is not required to charge any fees and while the fees proposed by AWCK are the maximum allowed, Council has the ability to set lower fees if they so choose. With no further discussion, Mayor Peterman advised that we will set a Public Hearing and vote on this at the June 5, 2018 meeting.

Consent Agenda:

- a. Approval of Minutes – April 3, 2018 Regular Session*
- b. Tax Releases & Refunds*

**CITY OF GRAHAM
RELEASE ACCOUNTS**

MAY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
146012	2008	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	16.89
146012	2009	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	16.20
146012	2010	EASTER, JAMES EARL	MOBILE HOME DOUBLE LISTED W/ #558799	13.80

**CITY OF GRAHAM
REFUNDS**

MAY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
639005	2017	LACY MICHAEL LITTLES	QUALIFIED DISABLED VETERANS EXEMPT	204.75
655393	2016	ELLA S SHOFFNER REVOC L/E	PREVIOUSLY QUALIFIED FOR SCE, BUT CODE HAD BEEN REMOVED IN ERROR	486.05
655393	2017	ELLA S SHOFFNER REVOC L/E	PREVIOUSLY QUALIFIED FOR SCE, BUT CODE HAD BEEN REMOVED IN ERROR	511.97

- c. Request from the Recreation and Parks Department to close the 100 block of East Elm Street and the 100 block of West Elm Street from 12:00 p.m.-10:00 p.m. on June 23, 2018 for the 2018 Slice of Summer Festival*
- d. Request from the Recreation and Parks Department to close the 100 block of East Elm Street from 12:00 a.m.-11:00 p.m. and the 100 block of West Elm Street from 5:00 p.m.-11:00 p.m. on October 26, 2018 (Rain Date October 27, 2018) for the Downtown Pumpkin Bash*
- e. Appoint Jerry Cummings to the Graham Historical Museum Advisory Board. Term to expire June 30, 2021*
- f. Appoint Carla Smith to the Graham Historic Resources Commission. Term to expire June 30, 2020*
- g. 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 from 9:30 a.m.-1:00 p.m. on May 28, 2018 for the Annual Memorial Day Ceremony*
- h. Approve Audit Contract with Stout Stuart McGowen & King, LLP*

Mayor Peterman asked if anyone would like to pull any of the items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull item "h".

Council Member McClure made a motion to approve items "a", "b", "c", "d", "e", "f" and "g" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Manager Frankie Maness if the agreement in place with Cobb, Ezekiel, Loy & Company and Stuart Stout McGowen & King is still working.

Mr. Maness advised that the process in place continues to work well for the City. With no further comments, Mayor Pro Tem Kimrey made a motion to approve item “h” on the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Old Business:

a. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland updated Council on the progress of the Temporary Sales Ordinance staff has been working on. He stated that tonight’s proposal reflects changes made since last month’s meeting. He advised that based on meetings with individuals since last month, some language has been revised.

Following Mayor Peterman statement that Council will not vote on this until the June 5, 2018, Council Members and staff discussed the proposal. Council Members and staff briefly discussed food truck aesthetics, permit length, food trucks in our parks, liability insurance and the overall definition of Temporary Outdoor Sales. Mr. Holland advised that Temporary Outdoor Sales encompasses a lot more than just food trucks.

Mr. Joshua Readling of 805 South Main Street Graham stepped forward and informed Council that he and his wife are looking to open a farmers market on the vacant lot located at 805 South Main Street. He explained that his business is open for approximately 8-9 months per year and expressed concern with the proposed 20 days per year included in the Temporary Outdoor Sales Ordinance. He stated that he along with his engineer, Mr. Chad Huffines, have been working with City staff to try and figure out a way to allow him to locate his business on this lot.

Mr. Huffines of 505 East Davis Street Burlington stepped forward to address Council on Mr. Readling’s behalf. He advised that he is the civil engineer on this project and spoke of his client’s difficulty in meeting the current Highway 87 Overlay requirements. Mr. Huffines asked Council to consider changing our ordinance(s) to allow his client to operate his business at this location. Mayor Peterman advised that this Council does not take action on any item not on tonight’s agenda and the earliest they would entertain a recommendation to change any ordinance at the minimum would be at next month’s meeting.

Mr. Barry Coe of 214 North Marshall Street Graham stepped forward and expressed concern with the City wanting to restrict the number of days food trucks can operate. He further stated that he is not sure what the public interest is with this ordinance and is not sure why Council would care about permanent versus temporary. Mayor Peterman stated that Council is trying to allow for temporary sales.

Mr. Nathan Boyd of Payne Oil Company, 962 East Elm Street Graham stepped forward as the owner of the property Mr. Readling wishes to use for his business. He stated that he thinks Mr. Readling’s business would be an asset to Graham. He encouraged Council to find a way to allow Mr. Readling a way to operate his business at this location.

Ms. Jennifer Talley of 808 Sideview Street Graham stepped forward and stated that she thought Assistant City Manager Aaron Holland had stated that farmers markets would be exempt under this ordinance. Mr. Holland stated that only as an accessory use would that be the case.

By consensus, Council Members directed staff to look into the current ordinances and see if we can find a solution before next month's meeting.

b. Downtown Infrastructure Grant

Mr. Maness explained that at last month's Council meeting, the City received a proposal for a Downtown Infrastructure Matching Grant. After doing some research, Mr. Maness outlined the various programs currently offered to Downtown businesses. He stated that while we cannot at this time fund such a request on a recurring basis, he would not want Council to dismiss this proposal and recommends further analysis and investigation into the proposed program.

Following a brief discussion between Council Members and staff, consensus was given to have staff look further into this.

Requests & Petitions from Citizens:

a. Public Hearing: New Street Duplex (SUP1801). Application by Mohammad Bhatti for a new duplex at 708 ½ New Street, GPIN 8884076833

Mr. Page advised that this quasi-judicial request had been tabled by the Planning Board and recommended that Council follow suit. He further added that we would not be required to re-advertise this Public Hearing if Mayor Peterman were to open the Hearing, receive input from those who wish to speak and then continue the Hearing to next month's Council meeting.

Mayor Peterman polled the Council to see if anyone has had any ex parte communication. Mayor Pro Tem Kimrey stated he has received a question from a family member who lives near the subject property. Mayor Pro Tem Kimrey stated that he was asked to explain what a quasi-judicial hearing was and what could be expected at a quasi-judicial hearing. By consensus, Council Members did not feel as if Mayor Pro Tem Kimrey should recuse himself from these proceedings.

Mayor Peterman opened the Public Hearing. Council Member Turner made a motion to continue this hearing until next month, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

b. Public Hearing: Melville Street Duplex (SUP1802). Application from Tanya Dunbar-Stone for construction of a new duplex at 306 and 308 South Melville Street, GPIN 8884227612

Mr. Page advised that this request had been withdrawn by the applicant on April 11, 2018, after the Public Hearing notice had been published. He recommended Council accept the withdrawal.

Council Member Wiggins made a motion to accept the withdrawal, seconded by Council Member Turner. All voted in favor of the motion.

Dr. William Harrison, Alamance Burlington School System

Dr. William Harrison of the Alamance Burlington School System spoke about the vision and upcoming plans for the school system. He spoke of the bond referendum that Alamance County taxpayers will vote on in the upcoming election and asked Council to endorse the school projects and talk positively about them.

Council Members and Dr. Harrison briefly discussed the school board's plans for Graham High School and the new high school included in the proposal.

Burlington-Graham Urban Area Metropolitan Planning Organization Funding Request:

Mr. Page explained that Burlington-Graham Metropolitan Planning Organization (BGMPO) has received the preliminary scores for the Statewide Mobility Projects, including aviation, bicycle, pedestrian, and automobile projects. Under the current regulations, the State of North Carolina pays the match for aviation and automobile projects and requires the local jurisdictions to provide a 20% match for bicycle and pedestrian projects. Mr. Page added that the remaining funds are from the Federal Transportation allocation. He outlined the four projects, in order of priority as identified by NCDOT:

1. **South Main Street from Gilbreath St to Ivey Road**
 - a. **Estimated cost for Graham is \$108,000**
2. **West Elm Street/ Webb Avenue from Highway 54 to Williamston Street (10% Graham, 10% Burlington)**
 - a. **Estimated cost for Graham is \$18,100**
3. **East Harden Street from Pine Street to Ivey Road**
 - a. **Estimated cost for Graham is \$46,400**
4. **East Elm Street from Albright Avenue to Parker Street**
 - a. **Estimated cost for Graham is \$40,000**

Following a brief discussion between Council Members and staff by which it was agreed upon that Graham is fortunate to have this many projects receive high scores, Council Member Wiggins made a motion to approve the Resolution Authorizing a Funding Match for New Pedestrian Projects in Conjunction with NCDOT, seconded by Council Member Turner.

RESOLUTION AUTHORIZING A FUNDING MATCH FOR NEW PEDESTRIAN PROJECTS IN CONJUNCTION WITH NCDOT

WHEREAS, The North Carolina Department of Transportation ("NCDOT") requires a local funding match for all bicycle and pedestrian projects; and

WHEREAS, the City has determined improving pedestrian safety and access is a necessity; and

WHEREAS, the City has requested pedestrian sidewalks on NC 87, NC 54, and NC 49; and

WHEREAS, the SPOT office of NCDOT has scored these projects as possible for construction before 2029;

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

Section 1. City of Graham will provide a 20% local match for the aforementioned Projects, because it will enhance the safety of the traveling public.

Section 2. The City of Graham City Council shall herein empower the City Manager to enter into a Municipal Agreement with NCDOT.

Section 3. This resolution shall be effective upon passage.

This the 1 day of May, 2018.

Issues Not on Tonight's Agenda:

Mr. Huffines asked Council to give staff direction on sidewalks along South Main Street and Auto Park Drive. Mayor Peterman stated he is hopeful to have an answer next month.

Ms. Talley asked Council to amend the overlay district, expressing concern over the recent demolition of the Scott-Mebane building on West Harden Street. Council Member Wiggins advised that the Historic Resources Commission is currently looking into identifying the Historic Overlay District.

Mayor Peterman asked Ms. Audrey Garton and Ms. Chelsea Dickey for an update on the upcoming Arts Festival in Downtown Graham later this month. Ms. Garton stated that she has already received approximately 2,000 RSVPs via Facebook and has several vendors lined up. Ms. Dickey advised that NCDOT approved the closure of Main Street between Pine Street and Harden Street for this event. Police Chief Jeff Prichard stated that he is still speaking to Ms. Dickey about the logistics of the event and he will determine how much of Main Street will have to be closed. Mr. Tom Boney of the Alamance News stepped forward and expressed concern that there was no notification of street closures prior to tonight's meeting.

Mayor Pro Tem Kimrey advised that he had recently been asked about public restrooms in the Downtown area.

Mr. Maness handed out the Fiscal Year 2018-2019 recommended budget for Council Members to review. It was decided that City Clerk Darcy Sperry would send out a Doodle Poll to see what date(s) might work best for the budget workshop.

At 9:25 p.m. Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
FRIDAY, MAY 18, 2017
9:00 A.M.**

The City Council of the City of Graham met in special session at 9:00 a.m. on Friday, May 18, 2017, in the Conference Room of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Sandra King, Finance Director
Darby Terrell, Administrative Intern

Mayor Jerry Peterman called the meeting to order and presided at 9:00 a.m.

Mayor Peterman asked City Manager Frankie Maness to discuss a proposal recently received by the Co/Operative. The proposal calls for funding to utilize the Co/Operative as an Economic Development agent for the City of Graham, with Ms. Chelsea Dickey fulfilling that role.

Mr. Maness outlined the proposal and general discussion ensued. Council Members heard from Mr. Jason Cox, Ms. Dickey and Mr. Justin Long of the Co/Operative. Mr. Cox told Council that Graham has a lot of untapped potential and that this proposal is a way for the City to invest in Graham. Council Members discussed the advantages of committing the proposed \$60,000 to fund this contract, while mindful of the fact that this money could be used to fund position(s) in departments throughout the City. Council Members ultimately decided that this proposal is one that can benefit the City and asked Mr. Maness to find a way to fund this for a minimum of one year and draft a proposal that will work for the City. Mayor Peterman did express some concern that this proposal was not made at the beginning of our budget calendar and advised that going forward, we would need to receive something earlier.

Mr. Maness reviewed the highlights of his recommended \$21,262,500 budget and gave a general overview of it. Staffing levels, succession plans and an unusually high increase in health insurance were concerns Mr. Maness spoke about. Mr. Maness advised that the City ultimately received a much lower quote for health insurance through the North Carolina League of Municipalities without a big change to current benefits.

Prior to presenting his recommended budget for the General Fund, Mr. Maness briefly spoke on the Garage Fund and the Cemetery Trust Fund. Mr. Maness advised that he is recommending no change to the tax rate while reminding Council that we adopt a budget on a departmental basis. Mr. Maness went through the various departments within the General Fund. He advised that included in this budget is a new sound system for the Council Chambers. He advised the quote to include video exceeded what was budgeted and therefore is not included in this year's budget. Council Members expressed concern that video had been eliminated and after discussion, consensus was given to have Mr. Maness find money in the budget to fund video in addition to the new sound system.

Council Members discussed various General Fund non-departmental items. Council Members expressed their desire for an additional welcome sign on Interstate 40/85 as well as an additional \$1,500-\$2,000 for a graphic designer to design a new logo that can be used throughout all City departments, presenting a consistent and unified look. Council Members also spoke of their desire to see Bruce Turney Road connect with Crescent Square Drive in the future. Mayor Peterman asked City Clerk Darcy Sperry to reach out to the office of Senator Rick Gunn and see if a meeting could be arranged to discuss this matter further.

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.

With no further discussion forthcoming, at 2:38 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 5, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 5, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Pastor James Garner of the Graham Church of God gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – May 1, 2018 Regular Session*
- b. Approval of Minutes – May 18, 2018 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA EXEMPTION	10.50
378020	2017	STERIGENICS U.S. LLC	TAXES POSTMARKED FEDEX - REL INTEREST	\$94.00
579902	2010	ANTHONY MARBY	SOLD BOAT 2009, LIVED IN BURLINGTON 2010	14.49
598760	2012	EDWARD & ANITA HARWOOD	CLOSED BIZ LATE 2011, LANDLORD KEPT BPP	39.97
619924	2016	DAMIAN AVERY BLACKWELL	BOAT SOLD 2013	5.01
507528	2012-2013	RACHEL GIBSON	MOVED 2011, DIDN'T OWN MH 2012 & 2013	32.63
558673	2010	ROGER ALAN GOTHORP	BOAT SOLD IN 2008	10.72
663345	2017	COYE JAMES COLEMAN	BOAT NOT IN CITY LIMITS	29.13
379498	2017	WOODWORKERS SUPPLY INC OF NC	BUSINESS CLOSED DEC 2016	76.73
500316	2017	NILE LEE LOVE	BOAT SOLD IN 2014	16.44
558599	2009-2014	PEDRO ORTEGA MENDOZA	TAXPAYER MOVED TO MEXICO 2007	11.05
492170	2017	RUTH DAVIS ISLEY	QUALIFIED FOR HOMESTEAD EXEMPTION	12.74
654101	2015	STEVEN C EUBANKS	SOLD BOAT 2014	18.62
32383	2015-2017	THOMAS & NANCY HAMPTON	PP NOT LOCATED IN CITY LIMITS	25.19
564232	2017	PRO MARINE SERVICE INC	BUSINESS NO LONGER IN GRAHAM	10.36
100406	2013	PULCINELLA'S (DIUCCO, ANTONIO)	BUSINESS CLOSED 2012 (2013 NEW OWNER)	55.55
578323	2017	RAMOS MAURILITO BAUTISTA	MOBILE HOME NOT LISTED IN 2017	38.69
19816	2017	ALMA G LATHAN	MOBILE HOME REMOVED, CUSTOMER MOVED	5.01

- d. Appoint Diana Cummings to Historical Museum Advisory Board with a term of June 5, 2018 – June 30, 2019*
- e. Appoint Jeanette Beaudry to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2020*
- f. Appoint Jan Peterman to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2021*
- g. Appoint Tim Beshel to Recreation Commission with a term of July 1, 2018 - June 30, 2021*
- h. Appoint Jan Peterman to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- i. Appoint Vanessa Coble to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- j. Appoint Tom Loy to Tree Board with a term of July 1, 2018 – June 30, 2021*
- k. Appoint Eric Crissman to Tree Board with a term of July 1, 2018 – June 30, 2021*
- l. Approve Resolution to Adopt the 2017 Local Water Supply Plan*

RESOLUTION APPROVING CITY OF GRAHAM 2017 LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355(l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Graham has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355(l) and that it will provide appropriate guidance for the future management of water supplies for the City of Graham, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the Local Water Supply Plan entitled City of Graham 2017 Local Water Supply Plan Update, dated March 28, 2018, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 5th day of June, 2018.

- m. Approve FY 2017-2018 Budget Amendments*

**CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2017-2018**

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 DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
City Council	45,200.00	58,700.00	13,500.00		
Administrative	514,100.00	514,100.00	-		
Information Technologies	307,400.00	274,400.00	-	33,000.00	
Finance	384,700.00	384,700.00	-		
Public Building & Ground	202,300.00	235,300.00	33,000.00		
Police Department	4,098,600.00	4,098,600.00	-		
Fire Department	1,059,300.00	1,059,300.00	-		
Inspections	484,600.00	484,600.00	-		
Traffic Engineering	29,100.00	29,100.00			
Garage Warehouse	86,300.00	86,300.00			
Street Department	1,605,100.00	1,766,600.00	161,500.00		
Street Lights	121,000.00	121,000.00			
Sanitation	848,900.00	848,900.00			
Recreation	805,100.00	805,100.00			
Graham-Mebane Lake	174,200.00	174,200.00			
Athletic Facilities	227,000.00	227,000.00			
Property Maintenance	741,900.00	741,900.00			
Non-Departmental	987,600.00	987,600.00			
	<u>12,722,400.00</u>	<u>12,897,400.00</u>	<u>208,000.00</u>	<u>33,000.00</u>	<u>175,000.00</u>

Section 2.

GENERAL FUND REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Current Year Tax	4,500,000.00	4,660,000.00	160,000.00		
Recycling Proceeds		3,900.00	3,900.00		
Powell Bill	390,000.00	401,100.00	11,100.00		
	<u>4,890,000.00</u>	<u>5,065,000.00</u>	<u>175,000.00</u>		<u>175,000.00</u>

Section 3.

WATER & WASTEWATER EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Water Billing admin	764,600.00	854,600.00	90,000.00		
W&S Distribution	1,479,700.00	1,479,700.00			
Maintenance & Lift Stations	326,700.00	326,700.00			
Water Treatment Plant	1,854,800.00	1,854,800.00			
Wastewater Treatment plant	1,248,000.00	1,508,000.00	260,000.00		
Non-Departmental	1,337,300.00	1,337,300.00			
	<u>7,011,100.00</u>	<u>7,361,100.00</u>	<u>350,000.00</u>	<u>-</u>	<u>350,000.00</u>

Section 4

WATER & WASTEWATER REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
SURPLUS SALES	1,000.00	1,600.00	600.00		
WATER ACREAGE FEES	15,500.00	234,900.00	219,400.00		
SEWER ACREAGE FEES	15,500.00	115,500.00	100,000.00		
NCCP	75,000.00	105,000.00	30,000.00		
	<u>107,000.00</u>	<u>457,000.00</u>	<u>350,000.00</u>		<u>350,000.00</u>

Section 7

CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES AND EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
State Drug Funds	100.00	450.00	350.00		
Federal Drug Funds	100.00	179,100.00	179,000.00		
	<u>200.00</u>	<u>179,550.00</u>	<u>179,350.00</u>	<u>-</u>	<u>179,350.00</u>

Adopted this 5th day of June 2018

Mayor Peterman advised that he would like to pull items “i” and “m” from the Consent Agenda and asked if anyone would like to pull any other item. With no comments forthcoming, Council Member Griffin McClure made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f”, “g”, “h”, “j”, “k” and “l”. Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

Mayor Peterman asked City Clerk Darcy Sperry what the residency requirements for the Appearance Commission were in agenda item “i”. Ms. Sperry read Section 10.291 Membership; appointments of the Development Ordinance, *“The Appearance Commission shall be limited to a total membership of nine (9) persons with up to two (2) members residing in the extraterritorial jurisdiction of Graham. Members shall be appointed by the Graham City Council upon receipt of a completed application submitted to the city clerk’s office. Appearance Commission members shall serve a three-year term and may be appointed to subsequent three-year terms.”*

Council Members briefly discussed the need to be consistent with language for volunteer boards with requiring members to reside within the City limits or extraterritorial jurisdiction (ETJ). By consensus, they agreed that this current language does not specifically state that. Council directed staff to look into amending this in the future and also work on moving the Appearance Commission language from the Development Ordinance to the Code of Ordinances. Mayor Pro Tem Lee Kimrey made a motion to approve item “i” on the Consent Agenda, seconded by Mayor Peterman. All voted in favor of the motion.

Mayor Peterman asked City Manager Frankie Maness to explain a recent change in item “m” that Council Members had received prior to this meeting. Mr. Maness advised that due to a recent failure in equipment at the Wastewater Plant, additional monies needed to be added to the budget so as not to violate the current Budget Ordinance. The additional expense will be offset by a surplus in revenues for this account. Council Member McClure made a motion to approve item “m” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Public Hearing: System Development Fees

Mr. Maness and Mr. Glynn Fleming of Alley, Williams, Carmen & King explained the requirements for the proposed System Development Fees per changes in the General Statutes. Mayor Peterman opened the Public Hearing.

Ms. Jennifer Talley of 808 Sideview St. Graham stepped forward and expressed concern with the proposed fees. With no further comment forthcoming, Mayor Peterman closed the Public Hearing.

b. Public Hearing: Adoption of Budget Ordinance for FY 2018-2019

Mr. Maness presented the Budget Ordinance for Fiscal Year 2018-2019. Mr. Maness explained that this is the annual financial plan for the City. He added that the total budget is \$21,363,600 and is spread across the General, Water & Sewer and Garage Funds. This Budget will begin July 1, 2018 and run through June 30, 2019.

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

The following individuals stepped forward and expressed concern with \$60,000 included in the Budget for funding to utilize the Co/Operative as an Economic Development agent for the City with Ms. Chelsea Dickey fulfilling that role:

Ms. Linda Barnhill, 404 Forest Dr. Graham	Mr. Tom Boney of the Alamance News
Ms. Talley, 808 Sideview St. Graham	Mr. James Fletcher, 6242 S. NC 87 Graham
Mr. Paul Harden, 16 NE Court Square Graham	Mr. Chuck Talley, 808 Sideview St. Graham
Mr. Donny Collins, 117 N. Main St. Graham	
Mr. Jimmy Linens, 608 Williamsdale Rd. Graham	

Ms. Janee Farrar of 141 East Harden St. Graham and Ms. Molly Fudell of 101 North Main St. spoke in favor of the proposal with the Co/Operative and Ms. Dickey. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the proposal for Ms. Dickey's services in length while also discussing additional funds they requested Mr. Maness add to this Budget at the Budget Workshop on May 18, 2018. Council Members spoke of the different requests for funding the City receives each year from outside organizations and mentioned some actually funded in this year's Budget. Mayor Pro Tem Kimrey stated that he understands the public's concern while referencing the City's Development Ordinance and The Graham 2035 Comprehensive Plan which call for the City to grow the Downtown area. Council Member Wiggins stated that we need to invest in ourselves while Council Member McClure spoke of the growth of revenues since 2010 while taxes have remained the same. Mayor Peterman expressed concern with the timing of the presentation of the agreement with the Co/Operative while Council Member Chip Turner stated that he would like to see the \$60,000 removed from the proposed Budget. Council Members were in agreement that they were happy with the overall Budget Mr. Maness had put together.

Council Member McClure made a motion to adopt the Budget Ordinance for Fiscal Year 2018-2019, seconded by Council Member Wiggins. Ayes: Council Member McClure and Council Member Wiggins. Nays: Mayor Peterman, Mayor Pro Tem Kimrey and Council Member Turner. Motion failed 3:2.

Mayor Peterman made a motion to approve the Budget as presented minus \$60,000 from the Non-departmental Department in the General Fund, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.



Budget Ordinance FY 2018-2019

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; its activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

CITY COUNCIL	45,700
ADMINISTRATION	542,500
INFORMATION TECHNOLOGY	340,300
FINANCE	411,100
PUBLIC BUILDINGS	148,000
POLICE	3,859,200
FIRE	1,133,900
INSPECTIONS	602,200
TRAFFIC ENGINEERING	29,500
GARAGE AND WAREHOUSE	110,300
STREETS & HIGHWAYS	1,419,600
STREET LIGHTS	126,000
SANITATION	1,055,300
RECREATION	928,100
LAKE	173,000
ATHLETIC FACILITIES	375,000
PROPERTY MAINTENANCE	743,400
NON-DEPARTMENTAL	1,031,000
FUND TOTAL	13,014,100

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

CURRENT YEAR TAX	4,650,000
PRIOR YEAR TAXES	45,000
VEHICLE TAXES	485,000
PRIOR YEAR VEHICLE TAXES	500
PY VEHICLE INT & COLL FEES	100
PAYT LIEU TAXES	26,500
STORM WATER FEE	124,000
TAX COST & INTEREST	23,000

DEVELOPMENT FEES	1,000
SALE OF SURPLUS PROPERTY	20,000
PRIVILEGE LICENSE	100
RECYCLING PROCEEDS FROM SURPLUS	100
MISCELLANEOUS GRANTS	1,000
INTEREST ON INVESTMENTS	40,000
SCHOOL RESOURCE OFFICER	110,000
POLICE DONATIONS/GRANTS	49,000
MISCELLANEOUS INCOME	50,000
ALARMS	2,000
INSURANCE PROCEEDS	1,000
FRANCHISE TAX	950,000
BEER AND WINE TAX	62,000
POWELL BILL	395,000
LOCAL SALES TAX	3,350,000.00
SOLID WASTE DISPOSAL TAX	9,000
ABC REVENUES	71,000
BLDG & ELECT PERMITS	125,000
RECREATION DONATIONS	15,000
REFUSE FEES	310,000
CEMETERY REVENUE	42,000
SPORTS HALL OF FAME	1,000
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	80,000
FUND BALANCE	1,477,800
NCCP	305,000
FUND TOTAL	13,014,100

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

WATER AND SEWER BILLING	426,400
WATER AND SEWER DISTRIBUTION	1,741,900
MAINTENANCE & LIFT STATION	246,200
WATER TREATMENT PLANT	1,845,400
WASTEWATER TREATMENT PLANT	1,650,900
NON DEPARTMENTAL ADMIN	1,410,300
FUND TOTAL	7,321,100

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

SALE OF SURPLUS PROPERTY	1,000
INTEREST ON INVESTMENTS	35,000
SEWER SURCHARGES	15,000
OUTSIDE SEWER SURCHARGES	43,000
WATER CHARGES	2,750,500
SEWER CHARGES	2,660,000
PLUMBING PERMITS & INSPECTIONS	25,000
WATER AND SEWER TAPS	5,000
WATER & SEWER ASSESSMENTS	100
MISCELLANEOUS INCOME	7,500
FUND BALANCE	350,000
CUT OFFS	100,000
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
	7,321,100

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	903,400
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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, 2018 and ending June 30, 2019.

ALA CO FUEL	204,600
CITY OF GRAHAM PARTS	210,300
CITY OF GRAHAM LABOR	158,400
CITY OF GRAHAM FUEL	199,300
GRAHAM HOUSING PARTS	3,900
GRAHAM HOUSING LABOR	2,500
GRAHAM HOUSING FUEL	6,100
ACTA PARTS	49,000
ACTA LABOR	32,700

GREEN LEVEL PARTS	6,500
GREEN LEVEL LABOR	9,000
GREEN LEVEL FUEL	7,900
ABC PARTS	300
ABC LABOR	-
ABC FUEL	2,100
SALE OF SURPLUS PROPERTY	100
INTEREST ON INVESTMENTS	600
MISCELLANEOUS INCOME	100
FUND BALANCE	10,000
Total	903,400

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

	Revenues	Expenditures
Cemetery Trust Fund	65,000	65,000
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, 2018 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 \$1,179,600,000 (100% valuation) with anticipated collection rate of 97%.

Section 9. The schedule of Connection Fees in the City of Graham Rates and Fee Schedule are hereby repealed and the following System Development Fees are levied and implemented pursuant to G.S. 162A, as amended:

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$483.00
Single-Family Dwelling Unit	1"	1.67	\$806.00
Multi-Family Dwelling Unit	N/A	1.00	\$483.00
All Other Zoning Categories	3/4"	1.00	\$483.00
All Other Zoning Categories	1"	1.67	\$806.00
All Other Zoning Categories	1.5"	3.33	\$1,611.00
All Other Zoning Categories	2"	5.33	\$2,578.00
All Other Zoning Categories	3"	11.67	\$5,639.00
All Other Zoning Categories	4"	21.00	\$10,150.00
All Other Zoning Categories	6"	43.33	\$20,945.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$1,185.00
Single-Family Dwelling Unit	1"	1.67	\$1,975.00
Multi-Family Dwelling Unit	N/A	1.00	\$1,185.00
All Other Zoning Categories	3/4"	1.00	\$1,185.00
All Other Zoning Categories	1"	1.67	\$1,975.00
All Other Zoning Categories	1.5"	3.33	\$3,950.00
All Other Zoning Categories	2"	5.33	\$6,319.00
All Other Zoning Categories	3"	11.67	\$13,823.00
All Other Zoning Categories	4"	21.00	\$24,882.00
All Other Zoning Categories	6"	43.33	\$51,334.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

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 5th day of June 2018.

c. Approve Resolution Establishing Water and Wastewater Capital Reserve Fund

Mr. Maness explained that pursuant to our Public Hearing for System Development Fees and adoption of our Budget, we are required by State Statute to establish a Water and Wastewater Capital Reserve Fund.

Following a general discussion about this Fund, Council Member Wiggins made a motion to approve the Resolution Establishing a Water and Wastewater Capital Reserve Fund. Council Member McClure seconded the motion and all voted in favor of the motion.

RESOLUTION ESTABLISHING A WATER AND WASTEWATER CAPITAL RESERVE FUND

WHEREAS, there is a need in the City of Graham to provide funds for future capital projects related to its combined water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system, and

WHEREAS, NCGS 159-18 authorizes the creation of a capital reserve fund, and

WHEREAS, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT

Section 1. The Governing Board hereby creates a Water and Wastewater Capital Reserve Fund for the purpose of funding the following capital projects related to the City's water and wastewater system:

- **Wastewater Treatment Plant Biological Nutrient Removal Upgrade.** The existing plant lacks advance secondary treatment for Biological Nutrient Removal, calling for an upgrade to meet projected future requirements. The estimated cost of the project is \$12 million. The City expects to complete a study in 2019 and the project itself after 2022. The City intends to appropriate approximately \$200,000 of system development fee revenues to the CRF for this purpose. The City anticipates receiving a loan to fund the remainder of the cost. It will use future system development fee collections to make debt service payments on the loan if sufficient funds remain. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **Pump Station Upgrades.** The Old Fields, Back Creek 1 and The Haw River pump stations, on the east side of the City, convey waste in succession until it reaches the Graham Wastewater Treatment Plant. Each of the pump stations are nearing the end of their useful lives and will require upgrade to handle existing and expanding demands from the area; or alternatively an outfall to bypass them. The estimated cost of the project is \$1.75 million and the City expects to begin in 2021 and complete in 2024. The City intends to appropriate approximately \$800,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **10" Transmission Line Replacement.** One of the City's main transmission lines from the plant into the distribution system is aging and susceptible to failure. The line is also lead-jointed. The estimated cost of the project is \$2.5 million and the City expects to begin in 2023-2024. The City intends to appropriate approximately \$500,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*

Section 2. All system development fees levied by the City shall be deposited into this CRF.

Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

This the 5th day of June, 2018.

d. Public Hearing: New Street Duplex (SUP1801). Application by Mohammad Bhatti for a new duplex at 708 ½ New Street, GPIN 8884076833

City Attorney advised Council that a Special Use Permit requires the Council to conduct a Quasi-Judicial Hearing in which Council Members take evidence and receive exhibits as presented. He added that anyone who wishes to testify for or against the petition will have to be sworn in. Mr. Whited instructed Mayor Peterman to poll the Council for any conflicts with this particular item.

Mayor Peterman polled the Council. Mayor Pro Tem Kimrey disclosed that he has had some informational communication with a property owner with regards to how this procedure works.

Mr. Whited referred to last month's meeting where it was determined that Mayor Pro Tem Kimrey does not have to recuse himself.

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

A brief general discussion ensued between Council Members and staff. Concern was expressed that the applicant was not in attendance to provide evidence that he meets the requirements of a Special Use Permit. With no further discussion, Mayor Pro Kimrey made a motion that the application be denied and the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

e. Approve Temporary Outdoor Sales Ordinance

Assistant City Manager Aaron Holland reminded Council that they approved a text amendment at their June 6, 2017 meeting that allowed for Temporary Outdoor Sales as use-by-right in the B-1 (Central Business) District at City approved and permitted events. Due to conflicting ordinances, Council directed staff to research and develop language at the request of Ms. Dickey at the January 2, 2018 meeting. For subsequent months, staff presented draft language based on the input provided by Council members, business owners and citizens.

Council Members and staff briefly discussed the proposed language and how this pertains to food trucks specifically. Council Members asked staff about distance requirements, number of days and enforcement of this ordinance.

The following individuals stepped forward and voiced their concern with either all or part of this proposed ordinance:

Mr. Ben Barnhill, 404 Forest Dr. Graham
Ms. Theresa Emrick, 1173 Boone Road
Mr. Don Penny, 114 N. Main St. Graham
Ms. Talley

Mr. Talley
Mr. Fletcher
Mr. D. Collins

Ms. Farrar spoke in favor of the proposed language.

Council Members and staff addressed the concerns surrounding food trucks. They talked of how difficult a task it has been to write this ordinance. Council Members once again discussed distance requirements and also discussed the proposed permit fees.

Council Member McClure made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with a permit fee of \$25.00 and a distance of 25 feet from restaurants, seconded by Mayor Pro Tem Kimrey. Ayes: Council Member McClure, Council Member Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Motion is insufficient for first reading to become law. The second reading is scheduled for July 3, 2018.

Requests & Petitions from Citizens:

- a. ***Request from Daniel and Lisa Alvis to close the West Elm Street Parking Lot from 9:00 a.m.-11:00 p.m. on Saturday, August 25, 2018 for a benefit for Little Pink Houses of Hope***

Mr. Daniel Alvis, 1022 Noah Rd. Graham and Ms. Dickey presented Council with some detailed information for the event planned for August 25, 2018. There will be music, vendors, children's inflatables and face painting as well as a 5k run with 100% of the profits donated to the Little Pink Houses of Hope.

Mayor Peterman made a motion to approve the request, seconded by Council Member Wiggins. All voted in favor of the motion.

Recommendation from Planning Board:

- a. ***Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances***

Planning Director Nathan Page recommended Council table this item until there is a regulation in the Code of Ordinances. Mayor Pro Tem Kimrey made a motion to table this at this time until we have public discussion in regards to approval of some ordinance, seconded by Council Member Wiggins. All voted in favor of the motion.

- b. ***Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts***

Mr. Page explained that this request is for the addition of the word fences into Sections 10.441 and 10.466 of the Development Ordinance. The new proposed language would read "accessory structures, fences and signage shall be of consistent design with the primary structure and be constructed of like or architecturally compatible materials."

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

Mr. Jordan Conklin of 616 Johnson Ave. Graham stepped forward and asked for clarification of materials that could be used for fencing. He encouraged Council to look at language that would take out the type of fencing the Planning Board is trying to prohibit. Mr. Talley stepped forward and expressed concern with this language as well.

Council Members ultimately agreed that there are too many questions with the proposed language and by consensus, agreed to table this request until next month.

- c. ***Public Hearing: Shamrock Post Southern Loop (CR1801). Application by Jimmy Collins for new Conditional Zoning for additional homes within the old Southern Loop Route (GPIN 8873328657, 8873239224, 8873239631)***

Mr. Page stated this is a request to replace the existing Conditional Rezoning application for the unfinished section of Shamrock Valley. The amendment will permit additional homes to be constructed on the right-of-way which was originally reserved for the proposed Southern Loop. There are now a total of 232 homes, up from the original of 179. This comes to a total density of 3.04 dwelling units per acre.

Council Members and staff briefly discussed buffers and current density regulations in Suburban Residential Zoning. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Jimmy Collins of 5556 Friendship Patterson Mill Rd. Burlington stepped forward to address the Council. He stated that this request is the result of a change in demand for homes. Council Members asked Mr. Collins about buffer areas, the effect the removal of the Southern Loop has had on the original plan and the sewer outfall.

The following individuals who have property that abuts Mr. Collins property expressed concern with the density, water runoff and how it may impact their property:

Ms. Anne Kelly, 2270 Race Track Rd Burlington	Mr. Jim Sherard
Mr. Michael Kelly, 2270 Race Track Rd. Burlington	Mr. John Harris
Ms. Janet Sherard, 2304 Sherard Tr. Burlington	
Ms. Kathryn Sherard, Sherard Tr. Burlington	

Mr. Brent Cochran of 8518 Triad Dr. Colfax stepped forward to address concerns presented. Mr. Cochran is the engineer on this project. He advised that the concerns the neighboring residents have will be addressed through the Technical Review Committee process. Mr. J. Collins assured everyone that he wants to be a friendly neighbor. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the direction in which The Graham 2035 Comprehensive Plan suggests growth and how this developer is doing what the Plan calls for. It was noted that the property currently is zoned R-12 and the developer could utilize the property as a use by right today, without coming before Council.

Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A twenty (20) foot buffer of existing vegetation for the western portion of the property be left in place;

The application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons; it's compliant and very consistent with the requirements in our Comprehensive Plan. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Boards and Commissions Appointments:

Alamance County Library Committee – 2 year term

Council Member Wiggins made the motion to recommend Hiroko Solari for reappointment by the Alamance County Commissioners, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Historic Resources Commission – 4 year term

Council Member McClure made a motion to reappoint Cary Worthy, seconded by Council Member Wiggins. All voted in favor of the motion.

Housing Authority – 5 year term

Council Member McClure made a motion to appoint Evelyn Graves-Curtis, seconded by Council Member Wiggins. All voted in favor of the motion.

Planning Board/Board of Adjustment – 3 year term

Mr. Nathan Perry of 201 South Maple St. Graham stepped forward and stated that it has been a pleasure serving on the Planning Board and he would appreciate Council's consideration for reappointment.

Mayor Pro Tem Kimrey made a motion to reappoint Nathan Perry, seconded by Council Member Wiggins. All voted in favor of the motion.

Approve Resolution Authorizing Application to the NCDOC Rural Economic Development Division Reuse Building Grant Program for Expansion of Steve's Garden Market and Butchery

Mr. Maness explained that the requested resolution would complete an application packet by the City on behalf of Steve's Garden Market for expansion. The grant request is for \$80,000 or \$5,000 per job. If approved for the grant, Steve's Garden Market will almost triple in size and add up to 16 new employees.

Following a brief discussion between Council Members and staff regarding the handling of this grant, if approved, and the grant being tied to job expansion, Council Member McClure made a motion to approve the Resolution by the City Council of the City of Graham Authorizing Application to the NCDOC Rural Economic Development Division Building Reuse Grant Program for Expansion of Steve's Garden Market and Butchery. Council Member Wiggins seconded the motion and all voted in favor of the motion.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GRAHAM
AUTHORIZING APPLICATION TO THE NCDOC RURAL ECONOMIC
DEVELOPMENT DIVISION BUILDING REUSE GRANT PROGRAM FOR
EXPANSION OF STEVE'S GARDEN MARKET & BUTCHERY**

WHEREAS, the North Carolina Rural Infrastructure Authority (RIA) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of building activities needed to create jobs; and

WHEREAS, the City of Graham desires assistance in financing a building project that may qualify for Rural Grants/Programs funding; and

WHEREAS, the City of Graham intends to request grant assistance for the expansion of Steve's Garden Market and Butchery at 329 W. Harden Street from the Building Reuse Grant Program.

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

That the City of Graham will provide 5% of the Building Reuse Program Grant toward project construction costs, if approved for a grant;

That Jerry Peterman, Mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the Rural Grants/Programs Section for a grant to assist in the above-named Building Reuse project.

That Frankie Maness, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as Rural Grants/Programs Section may request in connection with an application or with the project proposed; to make assurances as contained in the application; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

Adopted this the 5th day of June, 2018 at Graham, North Carolina.

**First Reading: Amendment to the City of Graham Code of Ordinances –
Chapter 16 – Solid Waste**

Mr. Holland explained that the City is growing and the Sanitation Department has begun to feel the effects of this growth. This request is from the City's Public Works Director and calls for Council to amend the beginning time of garbage collections, from 8:00 a.m. to 7:00 a.m., in an effort to provide an efficient way to maintain the high level of service our residents are accustomed to while providing flexibility for the department.

Council Member Wiggins made a motion to approve the Ordinance amendment to Chapter 16 – Solid Waste to change the time of placement for garbage containers from 8:00 a.m. to 7:00 a.m. with an effective date of 01/01/2019, seconded by Council Member McClure. All voted in favor of the motion.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 16, SEC. 16-5 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended to read as follows:

CHAPTER 16 – SOLID WASTE

Sec. 16-5. - Receptacles generally.

All residences and some small business establishments will be provided with a large roll-out container for all garbage, waste and refuse for removal by the sanitation department. These containers will be of sufficient size to allow for collection once a week. The following rules and regulations shall be observed:

1. City-provided containers must be used so that automated trucks can be utilized. Bulk items or items too large to fit in the provided container will be serviced on call-in basis only.
2. Nothing except garbage as herein defined shall be placed in provided containers and such garbage shall be drained before being introduced into the garbage container. Ashes shall be cold and contained in plastic bags.
3. Garbage containers must be placed at the curb by ~~8:00~~ 7:00 a.m. on days of collection and shall be removed promptly after being emptied. No garbage receptacles of any kind shall remain upon any public street or any public lane or alley.
4. Garbage containers should be placed according to directions provided on the container. It is the resident's responsibility to ensure that vehicles do not block the container.
5. The following materials shall not be placed in garbage receptacles for residential collection by the city sanitation department: paints, liquids, hazardous waste, gasoline, oil, flammable liquids, caustic substances, solvents, explosives, hot coals or ashes, building materials, demolition materials, dead animals, yard waste, tires or any items banned by the county landfill.
6. It will be the responsibility of the city to maintain the provided containers in a reasonable working condition.
7. The resident or small business owner will be responsible for keeping his container in a clean and sanitary condition.

Issues Not on Tonight's Agenda:

Mr. Talley stepped forward and encouraged Council to establish an Economic Development Commission for the City.

Mayor Peterman asked Mr. Page for an update on the Garden Valley project.

Mr. Whited introduced his summer intern, Mr. Aaron Harris.

Council Member Wiggins asked staff to work on the residency requirement for the Appearance Commission.

Mr. Maness asked Council if they wanted to reschedule the July 3, 2018 meeting. It was agreed that the meeting will stay on July 3, 2018.

At 11:39 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 3, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, July 3, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

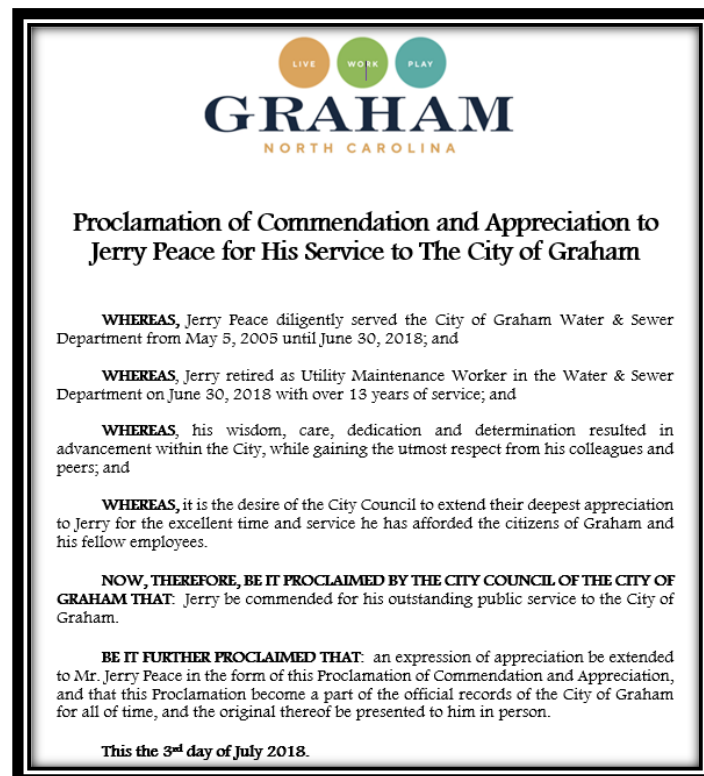
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director

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:

- ***Jerry Peace – Proclamation of Commendation and Appreciation for 13 years of service to the City of Graham***

Mayor Peterman and City Manager Frankie Maness presented Mr. Jerry Peace with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Both gentlemen thanked Mr. Peace for his service to the City and in return, Mr. Peace thanked the City.



Consent Agenda:

- a. Approval of Minutes – June 5, 2018 Regular Session*
- b. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JULY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA COMMON AREA EXEMPT	16.25

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

Old Business:

- a. Second Reading: Temporary Outdoor Sales Ordinance*

Assistant City Manager Aaron Holland explained that at last month's meeting, Council voted 3-2 for approval of this ordinance. The motion was insufficient for first reading to become law and tonight is the second reading. He further advised that the motion approved last month needs some clarification, specifically the permit fee amount and the distance requirement. He presented Council with staff recommended changes.

Council Members and staff discussed distance requirements and permit fees before Mayor Peterman opened the discussion to the floor.

The following individuals expressed concern and/or had questions with language being proposed:

Mr. Don Penny, 114 N. Main Street Graham
 Mr. Chuck Talley, 808 Sideview Street Graham
 Mr. Paul Harden, 16 NE Court Square Graham
 Mr. Richard Shevlin, 510 Wildwood Lane Graham
 Mr. Tom Boney of the Alamance News

The following individuals spoke in favor of the language being proposed:

Ms. Janee Farrar, 141 E. Harden Street Graham
 Ms. Jan Searls, 526 E. Pine Street Graham
 Ms. Elaine Murrin, 1213 Raspberry Run Graham
 Mr. Eric Crissman, 208 Albright Avenue Graham

Council Members and staff continued a general discussion before Council Member Griffin McClure made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with an annual permit fee of \$25 and a distance requirement of 50 ft. from the structure of a similar establishment with exemption for the property owner. Mayor Pro Tem Lee Kimrey seconded the motion. Ayes: Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Due to new language in this motion, this motion will act as a first reading and is insufficient for first reading to become law. The second reading for this motion is scheduled for August 7, 2018.

b. Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances

Planning Director Nathan Page advised that this item was continued at last month's meeting and he once again recommended Council table this item until there is a regulation in the Code of Ordinances. Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Council Member McClure made a motion to continue this item, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

c. Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts

Mr. Page explained that in light of the comments received at last month's Council meeting, staff amended the proposed language, specifically section 10.441 and 10.466 (h).

Council Members briefly discussed the proposed change and whether or not vinyl coated fencing should be allowed. Mayor Peterman opened the Public Hearing.

Mr. Jim Fletcher of Highway 87 Graham asked about temporary fencing used in construction, while Mr. Jordan Conklin of 626 Johnson Avenue asked about distance requirements.

Mr. Crissman stepped forward on behalf of the Planning Board. He advised that the Planning Board's intent with this ordinance was not to dictate an architecturally like fence, but rather not to allow a chicken wire type of fence. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion to approve the text amendment with the alternative language: (h) fencing shall not be temporary nor constructed of exposed wire unless not visible from the right of way of Highway 87 or an abutting street. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

d. Downtown Development Coordinator Position

Mr. Maness reminded Council that the City received a contract proposal from the Co|Operative to provide economic development services through funding of a Director of Community Development position. He presented Council with five options with a staff recommendation to create a regular City position for economic development.

Council Members and staff discussed supervision, salary, benefit of in-house versus contract, potential office location and the fiscal impact to the City before Mayor Peterman opened the discussion to the floor.

The following individuals expressed concern with Council approving this request:

Mr. Larry Brooks, 1509 Stonegate Drive Graham
 Mr. Harden
 Mr. Boney
 Mr. Talley
 Ms. Jennifer Talley, 808 Sideview Street Graham

In response to the concern of some that Council Members who own property or own business in the downtown area have or may have a conflict in the future should Council approve this request, Mr. Crissman stepped forward and stated that technically, there is nothing Council could vote on that would not have a financial impact in the downtown area.

Ms. Farrar encouraged Council to approve a contract with the Co|Operative. Mr. Jason Cox of 200 North Main Street and president of the Co|Operative also encouraged Council to approve a contract with his organization.

Council Members and staff spent a great deal of time weighing the concerns citizens expressed and the needs of the City. Following this discussion, Mayor Pro Tem Kimrey made a motion to authorize the City Manager to establish a position of Downtown Development Coordinator, seconded by Council Member Wiggins. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Council Member McClure. Nays: Mayor Peterman and Council Member Turner. Motion Carried 3:2.

Recommendation from Planning Board:

- a. ***Public Hearing: Duplex in High Density (AM1804). Request by Kristen Foust to amend the City of Graham Development Ordinance, Section 10.135 - Table of Permitted Uses, to permit duplex dwellings as use by right in R-7 zoning district***

Mr. Page explained the request and advised that the applicant has requested that to postpone this item due to the applicants not being able to attend this meeting.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, Council Member McClure made a motion to continue this item until next month. Council Member Wiggins seconded the motion and all voted in favor of the motion.

- b. ***Public Hearing: ABC Business (RZ1803). Request by Larry Brooks to rezone property located at 603 W. Harden Street from I-1 to B-2 (GPIN 8874846840)***

Mr. Page explained that this property is surrounded by commercial properties but does have access to the residential street of Graham Drive via a driveway.

This request is to rezone the whole property to B-2, to allow the current structure to come into conformity with the Development Ordinance, as well as to potentially allow for a future expansion with the zero-foot lot line requirements within B-2. The use of the property is not anticipated to change.

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

Mr. Brooks, Executive Director for the ABC Store, advised that this request is to bring the property into compliance. With no further comments forthcoming, Mayor Peterman 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 this action is reasonable and in the public interest for the following reasons: Rezoning the site will permit the property to come into conformance with the zoning code and will allow more flexibility for future expansion. Council Member Wiggins seconded the motion and all voted in favor of the motion.

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 and City Attorney.

At 9:23 p.m., Council Member Wiggins made a motion to go into Closed Session to Consider the Performance of the City Manager and City Attorney 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 9:55 p.m., Council Members returned from Closed Session and Mayor Peterman reconvened the Regular Session meeting.

Mayor Peterman read a prepared statement for City Attorney Keith Whited – “We have been blessed this past year with the addition of Mr. Whited as our staff attorney. His skill and technical abilities make our jobs much easier and keep us out of trouble. We would like to raise Mr. Whited’s salary by 3% effective July 1, 2018.”

Mayor Peterman read a prepared statement for Mr. Maness – “The City of Graham has benefited immensely from the skill, work ethic and diligence of our City Manager. We as a Council thank you for all you do for us and the citizens of Graham. We would like to raise the Manager’s salary by 3.1% effective July1, 2018.”

Issues Not on Tonight’s Agenda:

Ms. Talley stepped forward and asked that Council support an upcoming DockDogs event. A formal request will be presented at the August 7, 2018 Council meeting.

Mr. Whited advised that he will be on vacation next week.

Mr. Maness thanked Council for their support and looks forward to the years to come working for the City.

Council Member Wiggins advised that the Graham Historic Resources Commission will be presenting a full report of their actions to Council in August.

Council Member Wiggins also spoke of the renovations the Graham Historical Museum Advisory Board has actively been doing at the museum. She advised that there will be a work session at the museum on Monday, July 9th at 10:00 a.m. and invited anyone who wishes to volunteer to join them. Council Member Wiggins also stated that there are still two vacancies on this board.

Council Member McClure recognized an employee from the City's engineering firm Alley, Williams, Carmen & King for the kind act he bestowed on a Graham resident. The resident was told that they had to remove a portion of fence that was not on their property by the end of the day. The resident advised that she was not physically able to meet that requirement. The AWCK employee returned to the property after work hours and removed it for the resident himself by hand.

Mayor Pro Tem Kimrey asked staff where we stand on the bike lanes along Pine Street. Mr. Maness and Mr. Holland advised that we are close to getting these started and they anticipate that work will begin within the next couple of weeks.

At 10:02 p.m. Council Member Turner made a motion to adjourn, seconded by Mayor Peterman. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, AUGUST 7, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 7, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Chip Turner
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
Alexa Powell, City Planner
Jeff Prichard, Police Chief

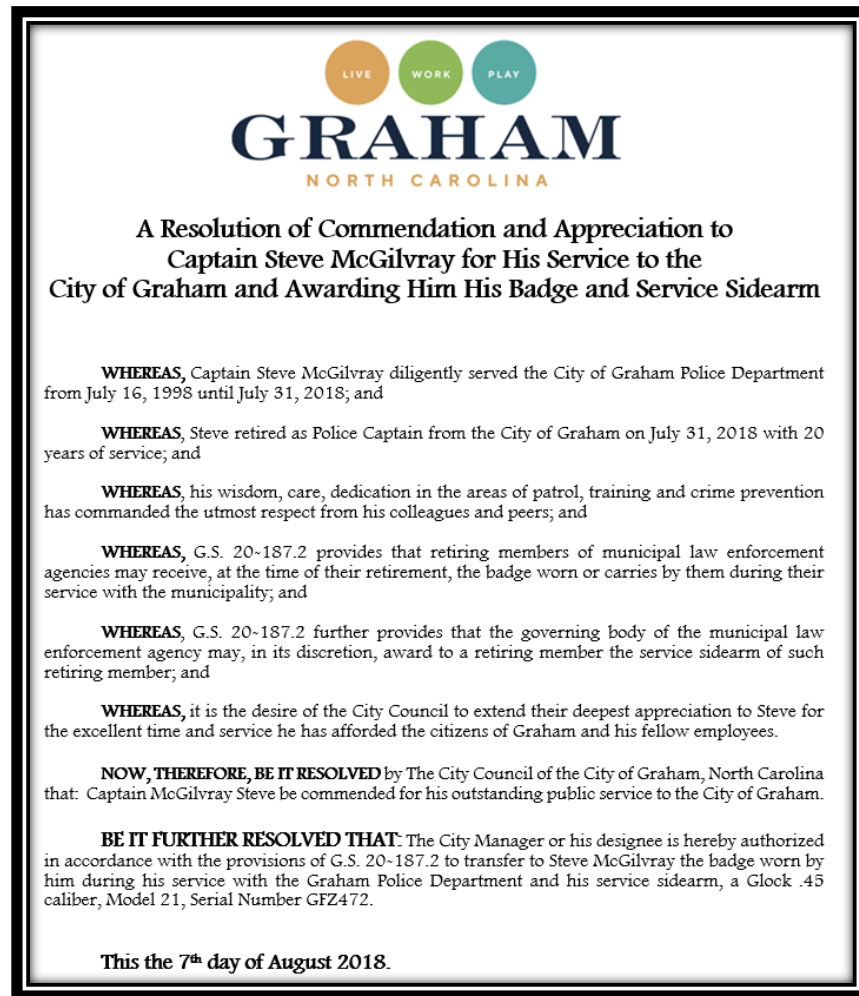
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – July 3, 2018*
- b. Tax Releases*

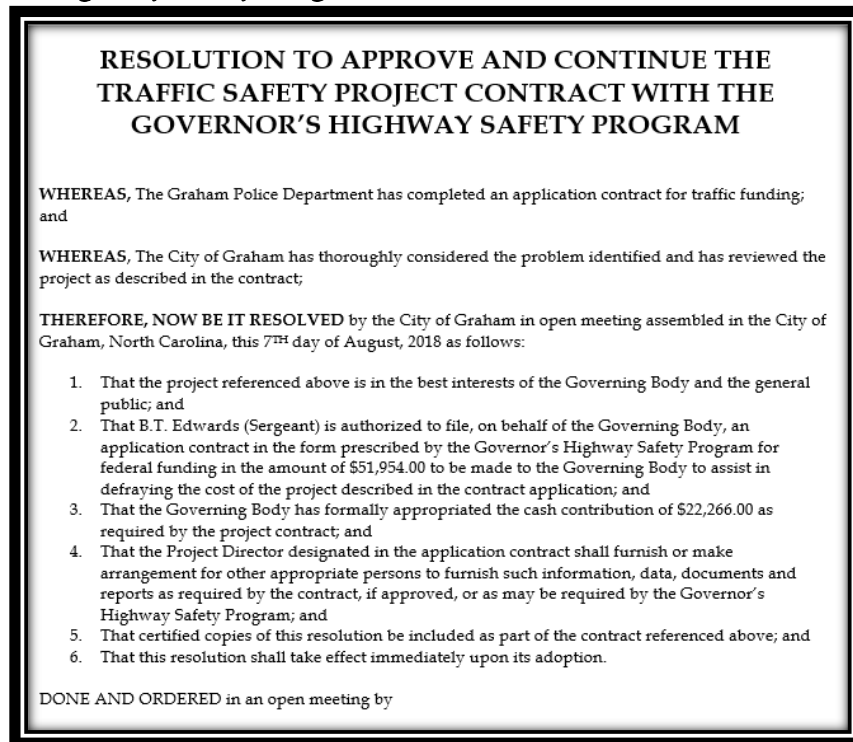
CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
560935	2014 - 2017	PIERSON, DIANA NASH	MOVED OUT OF STATE - BOAT/MOTOR	184.02
664089	2017	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,095.76
664089	2018	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,096.85

- c. Tax Collector Year End Report*
- d. 2017 Outstanding Tax Listing*
- e. Approve Resolution of Commendation and Appreciation to Captain Steve McGilvray for his service to the City of Graham and Awarding him his Badge and Service Sidearm*

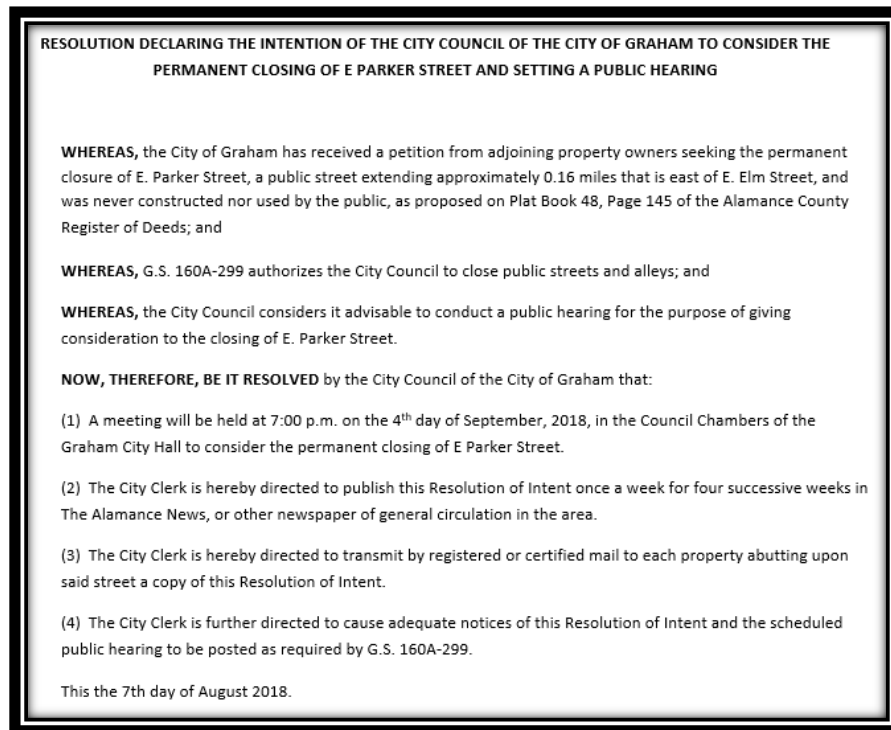


- f. Appoint Allene Massengill to the Historical Museum Advisory Board with term to expire June 30, 2019*
- g. Approve request from Jennifer Talley to close the 100 block of East Elm Street on Friday, September 14, 2018 from 6:00 p.m. until 5:00 p.m. on Sunday, September 16, 2018 for the Downtown Graham DockDogs Festival, pending receipt of a certificate of liability insurance prior to the event*
- h. Approve request from The Exchange Club's Family Center in Alamance County to close the Ward Parking Lot located at the corner of Harden Street and Maple Street from 8:00 a.m. – 12:00 p.m. on Saturday, August 25, 2018 for a "Stuff for Success" event, pending receipt of a certificate of liability insurance prior to the event*
- i. Approve Resolution amending contact information for the North Carolina Alcoholic Beverage Control Commission*

l. Approve Resolution for Continuation of the Dedicated Traffic Enforcement Unit with the Governor's Highway Safety Program



m. Approve Resolution authorizing the process to begin closure of an unconstructed portion of East Parker Street



n. Petition for Voluntary Non-Contiguous Annexation for a portion (69.781 acres) of a parcel on Governor Scott Farm Road GPIN#9803085096 (AN1802):

- Approve Resolution Requesting City Clerk to Investigate Sufficiency*
- Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 11, 2018, 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 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

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 September 4, 2018.

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:

BEING A 69.781 TRACT OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF KIMREY ROAD (S.R. 2125) AND GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF LOT 2 AS DESCRIBED IN MAP BOOK 77, PAGE 155, ALAMANCE COUNTY REGISTRY (HENCE ACR), AND BEING A PORTION OF TAX ID: 172761 SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A FOUND CONCRETE MONUMENT, HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 838,915.28 AND EAST 1,900,385.63, ON THE SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY, A 60' RIGHT OF WAY PER MAP BOOK 77, PAGE 248, AND BEING THE NORTHWESTERN MOST CORNER OF THAT LIDL US OPERATIONS, LLC TRACT AS DESCRIBED IN DEED BOOK 3489, PAGE 373 AND BEING FURTHER KNOWN AS LOT 1A PER MAP BOOK 77, PAGE 155, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, DEPARTING SAID RIGHT OF WAY OF SENATOR RALPH SCOTT PARKWAY AND RUNNING WITH THE WESTERLY LINE OF SAID LIDL US OPERATIONS, LLC TRACT, S 40°23'47" E, 2,423.69 FEET TO A FOUND CONCRETE MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD THE FOLLOWING SEVEN (7) COURSES

1. S 70°07'55" W, 168.33 FEET TO A FOUND CONCRETE MONUMENT;
2. S 70°26'57" W, 235.26 FEET TO A CALCULATED POINT;
3. S 70°41'04" W, 300.01 FEET TO A CALCULATED POINT;
4. S 70°24'37" W, 300.07 FEET TO A CALCULATED POINT;
5. S 70°24'57" W, 300.00 FEET TO A CALCULATED POINT;
6. S 70°25'39" W, 200.75 FEET TO A CALCULATED POINT;
7. S 67°28'19" W, 66.64 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD AND THE EASTERLY RIGHT OF WAY LINE



Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items "e", "i", "m" and "n". Council Member Melody Wiggins asked to pull items "g" and "h". Council Member Chip Turner made a motion to approve items "a", "b", "c", "d", "f", "j", "k" and "l". Council Member Griffin McClure seconded the motion and all voted in favor of the motion.

Following a personal thank you to Captain Steve McGilvray for his service to the City of Graham, Mayor Pro Tem Kimrey motioned to approve item "e", seconded by Council Member Turner. All voted in favor of the motion.

Council Member Wiggins advised that City staff is currently working on a new policy for City approved events which will include a planning meeting with event organizers and the City Manager prior to the event. She added that she would like to see such meeting with items "g" and "h". Council Member Wiggins made a motion to approve items "g" and "h" with the additional language: one planning meeting with the City Manager prior to the event, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff who is currently listed as the contact person with regards to item "i". City Clerk Darcy Sperry advised that former Police Chief Johnny Wehunt is the contact on file. Mayor Pro Tem Kimrey asked Police Chief Jeff Prichard if he has ever had to testify in front of the Alcohol Beverage Commission. Chief Prichard advised that he has not. Mayor Pro Tem Lee Kimrey made a motion to approve item "i", seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if any consideration about installing a cul-de-sac at the end of the stub road included in item “m”. Planning Director Nathan Page stated that it has not come up in any discussion. Mayor Pro Tem Kimrey also asked about notifications to adjoining property owners. Mr. Page advised that if this item is approved, notification will be sent to adjoining property owners as well as the requirement to publicize the street closure for a period of four weeks prior to Council taking action to officially close the street. Mayor Pro Tem Kimrey made a motion to approve item “m”, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if we know what the property owner might have planned for the property referred to in item “n”. City Manager Frankie Maness stated that no plans have been received by the City thus far, but added that it may be a warehouse that is industrial in nature. Council Member Turner motioned to approve item “n”, seconded by Council Member McClure. All voted in favor of the motion.

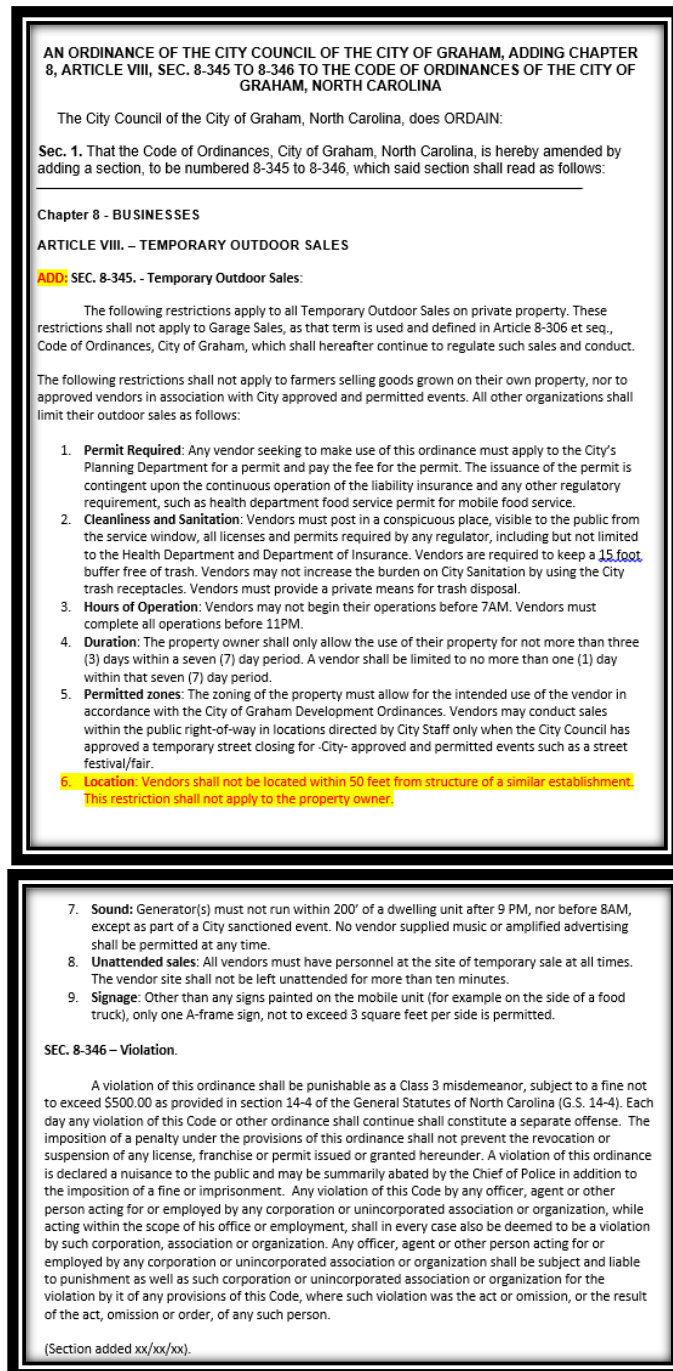
Old Business:

a. Second Reading: Temporary Outdoor Sales Ordinance

Assistant City Manager Aaron Holland explained that City Council approved a text amendment at the June 6, 2017 meeting that allowed for Temporary Outdoor Sales as use-by-right in the B-1 (Central Business) District at City approved and permitted events. Due to conflicting ordinances, Council directed staff to research and develop language at the January 2, 2018 meeting. After several months of discussion between Council, staff, and concerned parties, Council voted 3-2 during the first reading on June 5, 2018 to allow for Temporary Outdoor Sales with a 25 ft. distance requirement from restaurants and a \$25 permit fee. Because the vote was insufficient to pass on the first reading, a second reading was scheduled for July 3, 2018. An amendment to the text was proposed at the July 3rd meeting from Council to increase the distance requirement from 25ft. to 50ft from a structure of a similar establishment. Council voted 3-2 in favor of this proposed ordinance and a second reading was scheduled for tonight.

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

Mayor Pro Tem Kimrey made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales as attached. He stated that if this proves to not be a good fit for the City, it can always be modified in the future. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Council Member McClure. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.



b. Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances

Planning Director Nathan Page reminded Council that Chelsea Dickey requested the City reexamine our existing Temporary Outdoor Sales. This amendment is to remove the restriction from the Development Ordinance, such that the Code of Ordinances would regulate the use. The Temporary Outdoor Sales would still need to abide by the closest zoning use, for example, a commercial vendor would be permitted on a B-2 lot but not on an R-7 lot.

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

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

c. Public Hearing: Duplex in High Density (AM1804). Request by Kristen Foust to amend the City of Graham Development Ordinance, Section 10.135 - Table of Permitted Uses, to permit duplex dwellings as use by right in R-7 zoning district

Mr. Page explained that this application seeks to amend our Table of Permitted Uses located in the Development Ordinance. The request is to allow duplexes as a use by right in our high residential zones (R-7).

Following a general discussion between Council Members and staff about the overall effect of density in various residentially zoned districts, Mayor Peterman opened the Public Hearing.

Ms. Kristen Foust of 1851 South Main Street Graham stepped forward to address Council. She advised that she had recently purchased the two parcels in question and in an effort to revitalize the properties, she believes that her proposed plans are consistent with The Graham 2035 Comprehensive Plan.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward and expressed concern with fire separation in duplex dwellings.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Mayor Pro Tem 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 will allow for more efficient utilization of City infrastructure and services. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins, Mayor Peterman and Council Member McClure. Nays: Council Member Turner. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Haw River Assembly – Resolution to Oppose the Proposed Mountain Valley Pipeline Southgate Extension in Alamance County

Ms. Emily Sutton of 2602 Saxapahaw Bethlehem Church Road Graham stepped forward representing the Haw River Assembly. She showed Council a power point presentation and encouraged Council to oppose the proposed Mountain Valley Pipeline. Following the presentation, Mayor Peterman thanked Ms. Sutton and stated that Council will wait for the County Commissioners to take action before this Council will consider taking action.

Recommendation from Planning Board:

- a. **Public Hearing: Rogers Shugart (RZ1804). Request from Shugart Enterprises, LLC to rezone property located on Rogers Road from Residential Low Density R-18 to Residential High Density R-9***

Mr. Page advised that the Planning Board tabled this request and asked Council to do the same. Mayor Peterman opened the Public Hearing and Council Member Wiggins made a motion to continue the Public Hearing to next month. Council Member Turner seconded the motion and all voted in favor of the motion.

- b. **Public Hearing: McAden Business (RZ1802). Request from Curt McVey to rezone property located at 204 E. McAden Street from High Density Residential (R-7) to Neighborhood Business (B-3) GPIN#8884223927***

Mr. Page explained this property is surrounded by residential properties and tax records indicate that the structure was built in 1950. This request is to rezone the property to B-3, to allow the current structure to be utilized as a professional office. He added that the prior use as an office was no longer permitted to continue as a nonconformity due to the facility being vacant for greater than 180 days.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Council Member Wiggins made a motion that the application be approved and that the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

- c. **Suggestion for Used Tire Ordinance***

Mr. Page explained that the Planning Board requested that the City Council consider following in the footsteps of Burlington and adopting a Used Tire Ordinance similar to theirs, should the outside storage of used tires become a problem in the future.

Following a brief discussion between Council Members and staff, Mayor Peterman asked staff to look into adding language that would strengthen our current nuisance ordinance pertaining to used tires.

Boards & Commissions Annual Updates:

- a. **Historic Resources Commission***

City Planner Alexa Powell, staff liaison to the Historic Resources Commission, presented Council with an update of several projects currently handled by this commission. Council Members thanked Ms. Powell and the commission for their efforts.

- b. **Historical Museum Advisory Board***

Council Member Wiggins, Council liaison to the Historical Museum Advisory Board, presented Council with an update of the revitalization project currently taking place at the museum. Council Members asked her to relay a job well done to the current members of this board.

Approve Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall

City Manager Frankie Maness explained that the Old Fields Subdivision along Cherry Lane has an approved development plan that includes 755 dwelling units and various pods for nonresidential uses. To date, less than 50 of the dwelling units are constructed and further development is restricted due to the lack of collection system capacity. Current development within Old Fields is served by a small lift station that was originally permitted as a temporary solution for the initial phases of development only. Mr. Maness requested that Council authorize him to enter into an agreement with the developer to share in the cost for the outfall, anticipated to cost the City approximately \$400,000.

Following a brief discussion between Council Members, it was determined that anytime you have a developer who is willing to fund two-thirds of a project of this magnitude, we need to take advantage of such an agreement.

Council Member McClure made a motion to approve the Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall, seconded by Council Member Turner. All voted in favor of the motion.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH KG PLAZA, LLC FOR THE CONSTRUCTION OF A PORTION OF THE BACK CREEK SEWER OUTFALL

WHEREAS, On November 14, 2011, the City approved a revised Master Development plan for Old Fields subdivision, containing 755 dwelling units that specified the installation of a permanent gravity sewer solution to serve Old Fields that could be extended in the future to eliminate the City's Back Creek No.1 sanitary sewer lift station; and

WHEREAS, The City constructed the Cherry Lane Regional Pump Station in 2006 to accept and convey the waste water from Old Fields and other lands directly to the City of Graham Waste Water Treatment Plant; and

WHEREAS, At the time of the approvals and platting of the currently developed property, improvement permits were granted to certain lots. The approval of these lots were based on sewer service being provided by an on-site "temporary" sanitary sewer lift station installed by the previous owner; and

WHEREAS, This Temporary Station is now operated and maintained by the City of Graham and discharges to Back Creek No. 1 Lift Station. The Temporary Station is limited in capacity to the property that is currently developed and platted and Back Creek No.1 is limited to receiving sewer flow from 200 total lots in the Old Fields Subdivision; and

WHEREAS, In order for the temporary station to receive a total of 200 lots from Old Fields Subdivision, the Temporary Station would require upgrading at an estimated cost of approximately \$300,000; and

WHEREAS, In order to receive any additional sewer flow from more than 200 lots in the Old Fields Subdivision, an upgrade to the Temporary Station with an estimated cost of approximately \$850,000 would be required to divert the sewer flow to Cherry Lane Regional Pump Station. In addition, the Temporary Station would become a permanent pump station maintained by the City and the ability to remove Back Creek No. 1 from service would not be possible as part of the Old Fields Subdivision; and

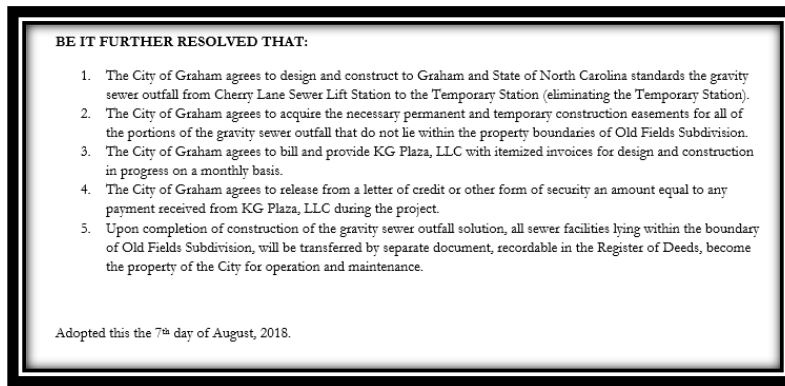
WHEREAS, Spending public or private dollars for the upgrading of the Temporary Station merely postpones the inevitable necessity for a permanent solution to the gravity flow of sewer services from the Old Fields Subdivision; and

WHEREAS, KG Plaza, LLC, owner of Old Fields, desires to enter into an agreement to reach a permanent solution for the complete gravity flow of the sewer to the Cherry Lane Pump Station, which eliminates the Temporary Station and affords the City the opportunity to eliminate Back Creek No. 1 and expand sewer service to additional lands.

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

The City Manager is authorized to enter into a development agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall. The development agreement shall include assurances that:

1. KG Plaza, LLC shall provide a cash bond, letter of credit or other form of security in the amount of \$800,000 to the benefit of the City to Graham prior to the design and construction of a gravity sewer outfall from Cherry Lane Sewer Lift Station to the Temporary Station (eliminating the Temporary Station);
2. KG Plaza, LLC shall design and construct additional phased on-site 8" public sewer improvements to allow for future connection by adjacent upstream property with an approximate elevation of 530 feet with 150,000 gallons per day capacity and serving approximately 150 acres of new development;
3. KG Plaza, LLC shall provide, without charge, the permanent and temporary construction easements within the Old Fields Subdivision, for the outfall extension that would eliminate Back Creek No. 1 and agree to provide these permanent and temporary easements without charge for future connection to the upstream property;
4. KG Plaza, LLC shall be responsible for 2/3rds (two-thirds) of the total cost of the gravity sewer outfall, up to \$800,000.
5. KG Plaza, LLC shall reimburse the City for 2/3rds (two-thirds) of the cost of the gravity sewer outfall project in progress as requested by the City, up to \$800,000 and occurring at no greater frequency than monthly.



Issues Not on Tonight's Agenda:

City Attorney advised that this is the last week that the City's Legal Intern Aaron Harris, would work for the City. Mr. Harris thanked the City and stated he enjoyed his time here.

City Clerk Darcy Sperry advised those Council Members that are required to complete ethics training that she would be sending out a Doodle Poll in an effort to select a date that works for everyone.

Mr. Maness recognized Administrative Intern Darby Terrell and advised that this would be her last week to work as well. Ms. Terrell thanked everyone and stated she has enjoyed working here.

Council Member McClure invited anyone to come forward that wanted a chance to speak on the Mountain Valley Southgate Project discussed earlier. Mr. David Naylor of 1523 Jimmie Kerr Road Haw River stepped forward and expressed his concern with the pipeline.

Mayor Pro Tem Kimrey asked staff if there has been any progress on the hiring of a new Downtown Economic Development position. Staff advised that interviews have commenced and we anticipate having someone hired in the next couple of weeks.

Mayor Peterman asked Police Chief Prichard to relay a well done to Captain Steve McGilvray on his behalf.

At 8:40 p.m. Mayor Pro Tem 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, SEPTEMBER 4, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 4, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

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

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

Honorary Presentations:

➤ *Appearance Commission Annual Update – Vanessa Coble, Appearance Commission Chair*

Dr. Vanessa Coble, Appearance Commission Chair, presented Council with an update of programs currently handled by this commission. Council Members thanked Dr. Coble and the commission for their efforts.

➤ *2017 World Tour – Darryl Peebles*

Reverend Darryl Peebles presented a video summary about his Link The World With Love Through Service 2017 World Tour. Additionally, he presented the Alamance County Lions Club, the Graham Fire Department, the Historic Providence Christian Church, Mayor Peterman and City Manager Frankie Maness with a small token of appreciation for their cooperation in the success of this global tribute which honored individuals who serve their communities. The trip covered four continents, 12 nations, 36 cities and 156 presentations in 63 days.

Consent Agenda:

- a. *Approval of Minutes – August 7, 2018*
- b. *Tax Releases & Refunds*

**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>
496781	2007-2017	SELLARS, JOHN DANIEL	PRIOR YEAR TAXES RELEASED-FORECLOSURE	1,804.09
21368	2018	LONG, PAUL R & GAYE G	DO NOT LIVE IN THE CITY LIMITS OF GRAHAM	40.04
134868	2018	DUDLEY, RICHARD EUGENE	DO NOT LIVE IN THE CITY LIMITS OF GRAHAM	1.33
674359	2018	VERITY RECYCLING LLC	RECYCLING EQUIPMENT EXEMPT	593.78
160499	2018	RHONE, BOBBY GENTRY	QUALIFIED FOR HOMESTEAD EXEMPTION	293.84
638951	2018	WRIGHT, GERALD	QUALIFIED FOR DISABLED VETERAN	204.75
654706	2018	CHESTER, MICHAEL	QUALIFIED FOR HOMESTEAD EXEMPTION	211.11
665318	2018	GRAHAM CHURCH OF GOD PROPHEC	CHURCH PROPERTY-EXEMPTION REMOVED IN ERROR	516.55

**CITY OF GRAHAM
REFUNDS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
43716	2018	BIGGS, DANIEL G.	QUALIFIED FOR DISABLED VETERANS EXEMPTION	204.75

c. Resolution Approving the City of Graham Water Shortage Response Plan

**RESOLUTION APPROVING THE CITY OF GRAHAM WATER SHORTAGE
RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (1) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Graham, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (1) and that it will provide appropriate guidance for the future management of water supplies for the City of Graham, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the Water Shortage Response Plan entitled, Water Shortage Response Plan dated June 2009, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 4th day of September, 2018.

- d. *Approve Alamance County Veterans Organization's request to close the 100 block of East Elm Street from 8:00a.m.-7:00p.m. on Saturday, November 10, 2018 for a Veterans Day Festival, pending a meeting with the City Manager prior to the event and receipt of certificate of liability insurance listing City of Graham as addition*
- e. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment*

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WATER DISTRIBUTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of drinking water distribution systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's drinking water distribution system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing water distribution system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

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

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing water distribution system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th day of September, 2018 at Graham City Hall, 201 South Main Street, Graham, North Carolina.

- f. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment*

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WASTEWATER COLLECTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of wastewater collection systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's wastewater collection system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing wastewater collection system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

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

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing wastewater collection system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 4th day of September, 2018 at Graham City Hall, 201 South Main Street, Graham, North Carolina.

Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull item "c". Mayor Pro Tem Kimrey made a motion to approve items "a", "b", "d", "e" and "f". Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Kimrey asked Mr. Maness about how the Water Shortage Response Plan affects our water agreement with the City of Mebane. Mr. Maness stated that generally anyone who pulls water from the lake adheres to our standards for water preservation. He added that if he had to guess, Mebane's Water Shortage Response Plan is probably very similar to ours. Mayor Pro Tem Kimrey made a motion to approve item "c" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Old Business:

- a. **Public Hearing: Rogers Shugart (RZ1804). Request from Shugart Enterprises, LLC to rezone property located on Rogers Road from Residential Low Density R-18 to Residential High Density R-9 (GPIN 8872986536, 8873900485)***

Assistant City Manager Aaron Holland explained that this is a request to rezone the subject property from R-18 to R-9. The property is currently vacant, wooded, and under cultivation. This property was crossed by the proposed Southern Loop, which has subsequently been removed.

He added that the surrounding properties are zoned R-18, R-12 and R-9. The total area requesting to be rezoned is approximately 106 acres and the Planning Board has recommended approval.

Council Members and staff briefly discussed any potential changes needed to Rogers Road to accommodate this project would be addressed during the Technical Review Committee (TRC) meeting(s) and how this project is consistent with The Graham 2035 Comprehensive Plan. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Greg Garrett of 221 Jamestown Road Winston-Salem stepped forward to address Council. He spoke on behalf of Shugart Enterprises and stated that they have completed multiple projects in Graham and they look forward to building in Graham again. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem 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: In Suburban Residential type it would provide connected and efficient development. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Following the vote, Mrs. Dixie Rogers stepped forward as the current property owner in the above matter. Mrs. Rogers stated that they have made arrangements for 40 acres of land to remain farm land.

b. Public Hearing: Approve Resolution Ordering Closure of Unopened Portion of East Parker Street

Mr. Holland explained that the Isley family is requesting the removal of a proposed roadway which bisects their land on East Elm Street. This portion of Right of Way (ROW) exists only on a Plat and has not been constructed, nor does it provide service to access land for anyone other than the Isleys. He added that last month Council approved a resolution authorizing the process to begin closure. Tonight the request is to approve the resolution to close the unopened portion of East Parker Street.

Council Members and staff spent time discussing items shown on the plat included in the agenda packet, specifically a pump station. Mr. Holland and Mr. Maness advised that there are no current plans for a pump station in this area. City Attorney Keith Whited clarified that a property owner can put anything labeled “proposed” on a plat, but that does not mean the City proposed it. Also discussed was whether or not plans for a turnaround for emergency vehicles was needed.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Mayor Peterman asked Fire Chief Johnny Andrews what he thought about this closure. Mr. Andrews expressed some concern with people possibly using this area for parking. He stated that firetrucks can get in and out of there without any issues. With no further comments forthcoming, Council Member Griffin McClure made a motion to approve the Resolution Ordering the Closing of East Parker Street, seconded by Council Member Wiggins. All voted in favor of the motion.

A RESOLUTION ORDERING THE CLOSING OF EAST PARKER STREET

WHEREAS, on the 7th day of August, 2018, the City Council of the City of Graham directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing East Parker Street, a public street right-of-way as described in Exhibit A, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on September 4, 2018; and

WHEREAS, the City Council on the 7th day of August, 2018, ordered the City Clerk to notify all persons owning property abutting the portion of East Parker Street Extension by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on September 4, 2018; and

WHEREAS, it now appears to the satisfaction of the Graham City Council that the closing of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham that East Parker Street, as described in Exhibit A, is hereby ordered closed, subject to any reservation of right set forth below and in accordance with G.S. 160-299(c), all right, title, and interest that may be vested in the public to said street are hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

In accordance with G.S. 160A-299(f) the City hereby reserves all of its right, title, and interest in any utility improvement within the closed street with such reservation extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City. The City further declares a utility easement being described as:

Situated in the City of Graham, Graham Township, Alamance County, North Carolina.

PROPOSED E. PARKER STREET EXTENSION 1.084 acres

BEGINNING at an existing iron pipe that is located South 04 degrees, 45 minutes, 05 seconds East 412.18 feet from Neyco, LLC's Southwest corner as described in Deed Book 3749, Page 107 Alamance County Register of Deeds, thence from said beginning point North 80 degrees, 10 minutes, 22 seconds East 187.99 feet to an existing iron pipe; thence North 80 degrees, 12 minutes, 47 seconds East 187.96 feet to an existing iron pipe; thence North 80 degrees, 11 minutes, 59 seconds East 405.61 feet to a point not set; thence South 14 degrees, 15 minutes, 03 seconds, East 60.18 feet to a point not set; thence South 80 degrees, 11 minutes, 30 seconds West 362.39 feet to an existing iron pipe; thence South 80 degrees, 11 minutes, 30 seconds West 198.98 feet to an existing iron pipe; thence South 80 degrees, 12 minutes, 43 seconds West 229.93 feet to an existing iron pipe; thence North 04 degrees, 57 minutes, 59 seconds West 60.20 feet to the point and place of beginning and consisting of 1.084 acres. Said sixty (60) foot wide strip being the proposed E. Parker Street Extension.

This legal is drawn in accord with a survey entitled "Recombination Survey for J. Mack Isley, Jr. and Others" recorded in Plat Book 79, Page 190 Alamance County Register of Deeds.

BK 3807 PG 0579

In accordance with G.S. 160A-299(b) any person aggrieved by the closing of this street may appeal the Order to the General Court of Justice within thirty days of its adoption.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed Drive in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Alamance County a certified copy of this Street Closing Order.

Upon motion duly made by Council Member G. McCLURE and duly seconded by M. WIGGINS, the above resolution was duly adopted by the City Council at a meeting held on the 4th day of September 2018, in the City Hall.

Upon call for a vote, the following Council Members voted in the affirmative:

Mayor Gerald Peterman

Mayor Pro Tem Lee Kimrey

Council Member Chip Turner

Council Member Griffin McClure

Council Member Melody Wiggins

This the 4th day of September, 2018 at 7:00 p.m.

- c. Public Hearing: Petition for Voluntary Non-Contiguous Annexation for a portion (69.781 acres) of a parcel on Governor Scott Farm Road GPIN 9803085096 (AN1802)*
- i. Approve Annexation Ordinance*

Mr. Holland explained the requested action is to approve the Annexation Ordinance to extend the corporate limits of Graham for a lot located on Governor Scott Farm Road. He added that the area being considered for annexation is between Kimrey Road, Governor Scott Farm Road and Senator Ralph Scott Parkway (approximately 70 acres). Water and Sewer are both available at this location and approval of an annexation ordinance is the final step in the annexation process.

Council Members and staff briefly discussed parcels located within the North Carolina Commerce Park (NCCP) and the agreement in place with the City of Mebane as to who takes responsibility for parcels wishing to be annexed into either City. Mayor Peterman opened the Public Hearing.

Mr. Buddy Seymour of 5603 New Garden Village Drive Greensboro stepped forward on behalf of the petitioner. He stated that he has been working with the property owner for quite some time and looks forward to approval so that they can continue with their plans for the construction of an industrial site development. With no further comments forthcoming, Mayor Peterman 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 a lot bounded by Kimrey Rd, Governor Scott Farm Road, and Senator Ralph Scott Parkway, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS

OF THE

CITY OF GRAHAM, NORTH CAROLINA

**FOR A PARCEL BOUNDED BY KIMREY RD, GOVERNOR SCOTT FARM ROAD, AND SENATOR RALPH
SCOTT PARKWAY (AN1802)**

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 September 4, 2018, after due notice by publication on August 23, 2018; 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 September 4, 2018:

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:

BEING A 69.781 TRACT OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF KIMREY ROAD (S.R. 2125) AND GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF LOT 2 AS DESCRIBED IN MAP BOOK 77, PAGE 155, ALAMANCE COUNTY REGISTRY (HENCE ACR), AND BEING A PORTION OF TAX ID: 172761 SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A FOUND CONCRETE MONUMENT, HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 838,915.28 AND EAST 1,900,385.63, ON THE SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY, A 60' RIGHT OF WAY PER MAP BOOK 77, PAGE 248, AND BEING THE NORTHWESTERN MOST CORNER OF THAT LIDL US OPERATIONS, LLC TRACT AS DESCRIBED IN DEED BOOK 3489, PAGE 373 AND BEING FURTHER KNOWN AS LOT 1A PER MAP BOOK 77, PAGE 155, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, DEPARTING SAID RIGHT OF WAY OF SENATOR RALPH SCOTT PARKWAY AND RUNNING WITH THE WESTERLY LINE OF SAID LIDL US OPERATIONS, LLC TRACT, S 40°23'47" E, 2,423.69 FEET TO A FOUND CONCRETE MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD THE FOLLOWING SEVEN (7) COURSES

1. S 70°07'55" W, 168.33 FEET TO A FOUND CONCRETE MONUMENT;
2. S 70°26'57" W, 235.26 FEET TO A CALCULATED POINT;
3. S 70°41'04" W, 300.01 FEET TO A CALCULATED POINT;
4. S 70°24'37" W, 300.07 FEET TO A CALCULATED POINT;
5. S 70°24'57" W, 300.00 FEET TO A CALCULATED POINT;
6. S 70°25'39" W, 200.75 FEET TO A CALCULATED POINT;
7. S 67°28'19" W, 66.64 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD AND THE EASTERLY RIGHT OF WAY LINE GOVERNOR SCOTT FARM ROAD, A 60' PUBLIC RIGHT OF WAY PER MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD THE FOLLOWING EIGHT (8) COURSES:

1. N 25°47'47" W, 96.21 FEET TO A CALCULATED POINT;
2. N 27°35'12" W, 200.51 FEET TO A CALCULATED POINT;
3. N 27°55'40" W, 90.98 FEET TO A CALCULATED POINT;
4. N 36°32'38" W, 202.74 FEET TO A CALCULATED POINT;
5. N 41°32'38" W, 399.76 FEET TO A CALCULATED POINT;
6. N 41°57'38" W, 696.23 FEET TO A CALCULATED POINT;
7. N 39°07'12" W, 149.63 FEET TO A CALCULATED POINT;
8. N 16°38'59" W, 92.10 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD AND SAID SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY;

THENCE, DEPARTING SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD AND RUNNING WITH SAID SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY THE FOLLOWING SIX (6) COURSES:

1. N 42°53'55" E, 39.07 FEET TO A CALCULATED POINT;
2. N 51°58'56" E, 195.14 FEET TO A CALCULATED POINT;
3. WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 3030.00 FEET, AN ARC LENGTH OF 73.98 FEET, A CHORD OF 73.98 FEET BEARING N 51°16'58" E TO A CALCULATED POINT;
4. N 50°34'59" E, 713.53 FEET TO A CALCULATED POINT;
5. WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2370.00 FEET, AN ARC LENGTH OF 167.32 FEET, A CHORD OF 167.29 FEET BEARING N 52°36'21" E TO A CALCULATED POINT;
6. N 54°37'42" E, 166.48 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 69.781 ACRES OR 3,039,647 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION" PREPARED BY THE SURVEY COMPANY INC., DATED JUNE 28, 2018. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

Section 2. Upon and after September 4, 2018, 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 4th day of September, 2018.

Recommendation from Planning Board:

- a. Public Hearing: Rogers' Springs (S1801). Request from Greg Garrett, Shugart Enterprises, LLC to create a new major subdivision on approximately 106 acres for 178 new lots (GPIN 8872986536, 8873900485)***

Mr. Holland explained that this request is for the construction of 178 new homes on approximately 106 acres. He added that the property is within the Suburban Residential development type and this project proposes approximately 1.6 dwelling units per acre. Mr. Holland advised that the Planning Board recommended approval and staff recommends approval in conjunction with TRC approvals.

Following a general discussion between Council Members and staff, Mayor Peterman opened the Public Hearing. Mr. Garrett and Mr. Chris Foust of 1851 South Main Street Graham stepped forward and answered questions Council Members had with regards to secondary access and the types of houses being proposed for this project. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion to recommend approval with the following conditions:

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued
- Secondary access must be provided to the properties to the East, in a manner approved by the TRC.

The application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: Allowing a high density subdivision in this location removes households from the potential harm from floodways, and protects greenspace and promotes a greenway trail system. Council Member Turner seconded the motion and all voted in favor of the motion.

- b. Public Hearing: Gov. Scott Farm Road (RZ1805). Request from William Seymour to initiate zoning upon property located at Gov. Scott Farm Road, Sen. Ralph Scott Road and Kimrey Road (GPIN 9803085096)***

Mr. Holland explained that now that Council earlier in the meeting annexed this property into the City, it needs zoning. The recommended zoning is Light Industrial (I-1) which is consistent with the other parcels in the area.

Following a brief discussion between Council Members and staff about whether or not we need an Overlay District within the NCCP, Mayor Peterman opened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and asked for clarification of an Overlay District. As he understood from the beginning, the residents in that area were assured that they would not automatically be included as an industrial development and that each property owner could decide whether or not they decide to sell property for an industrial purpose or some other purpose. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Melody Wiggins 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 reasons: Rezoning the property would be in consistence with the Employment District type and will allow land uses which are likely to attract employment opportunities within the City of Graham. Council Member McClure seconded the motion and all voted in favor of the motion.

c. Public Hearing: Elm Street CBD (RZ1806). Request from Haywood Simpson to rezone property located at 206 East Elm Street and 200 East Elm Street from B-2 General Business to B-1 Central Business (GPIN 8884243495, 8884242495)

Mr. Holland explained that this request is to rezone the property at 206 East Elm Street from B-2 General Business to B-1 Central Business. He added the property recently burned down and was listed as a total loss by the insurance company. The stated request is to permit the property owner to “restore structure to similar footprint.” By rezoning this property to B-1, it would allow for the structure to be rebuilt within the same footprint. Staff is also requesting to rezone the City’s adjoining parking lot at 200 East Elm Street to provide continuity of the Downtown zoning district so as to not have gaps along that stretch. He advised that the Planning Board recommended approval.

Mayor Pro Tem Kimrey disclosed that prior to realizing this property requesting a rezoning, he been in communication with the property owner about purchasing this property. He asked that he be recused. Mayor Peterman made a motion to recuse Mayor Pro Tem Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

With no questions from Council forthcoming, Mayor Peterman opened the Public Hearing. Mr. Haywood Simpson stepped forward as the current property owner and applicant for this rezoning. He indicated that the front building is a total loss and without rezoning, he cannot rebuild it with the current zoning law.

Mr. Boney stepped forward and asked if there was any particular reason why there is a request to also rezone the City’s parking lot. Mayor Peterman stated that it was to keep zoning consistent in this area. Mr. Boney asked if all City parking lots in the downtown area are zoned B-1. Mr. Holland advised that all but the parking lot located here at the City Hall complex are B-1. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved and the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion. Mayor Pro Tem Kimrey rejoined the meeting.

d. Public Hearing: Home Occupation in CZ (AM1806). Request by Kevin Ingold to amend the Development Ordinance, Article IV, Division 6, Section 10.135 to permit Home Occupations within our Conditionally zoned residential areas

Mr. Holland explained that Kevin Ingold proposes to amend the Development Ordinance, Article IV, Division 6, Section 10.135. Home Occupation. This amendment is proposed to permit Home Occupations within our Conditionally zoned residential areas. He stated that Mr. Ingold was not present at the Planning Board meeting and the Planning Board recommended tabling this item until next month.

Mayor Peterman opened the Public Hearing. Council Member McClure made a motion to continue this hearing until next month, seconded by Council Member Turner. All voted in favor of the motion.

e. Public Hearing: Life Counseling (AM1805). Request from William Hughes to permit Life Counseling to occur within the B-1 District

Mr. Holland explained that Life Counseling is not spelled out in our Ordinance. The closest use is Group Care Facility and Group Homes, which have pretty strict regulations. Mr. William Hughes requested language specifically for Life Counseling. Different options were presented to the Planning Board and they recommended that the following language be added to the Development Ordinance's Table of Permitted Uses:

Life Counseling - Counselors working with individual(s) or group(s) providing counseling and education in a non-residential setting, as clarified under 10A NCAC 27G.3813. This does not include section .4400, .4403, .4500, nor .4503 which will continue to be included under Group Care Facilities.

Council Member and staff discussed the various options presented to the Planning Board. Council Members expressed concern with the language recommended by the Planning Board, believing it to be too specific. Following this brief discussion, Mayor Peterman opened the Public Hearing.

Mr. Boney stepped forward and stated that he believed that the Planning Board took issue with more intense types of counseling that neither the applicant nor other businesses within the City are currently doing. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the text amendment be approved with the staff recommended language, 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: The land use impact from a residential facility should be regulated differently than operations that occur during typical business hours. Council Member Wiggins seconded the motion and all voted in favor of the motion.

f. Public Hearing: Manufactured and Mobile Units in the Overlay (AM1807). Request by Tony Holt to amend the Development Ordinance to permit manufactured or mobile units to be used as office space for property located at 327 East Elm Street

Mr. Holland explained that Mr. Tony Holt has requested a change to the Development Ordinance to permit manufactured or mobile units to be used as office space for his location at 327 East Elm Street. Mr. Holland informed Council that our current language only permits these types of structures during construction or for storage of materials during construction. He advised Council that Mr. Holt has requested that Council table this agenda item until June 2019.

Council Members briefly discussed their concerns for allowing manufactured or mobile homes in our Overlay District and the request to table an item for the length of time Mr. Holt requested. Council Members agreed that action needs to be taken at tonight's meeting. With no further discussion, Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member Wiggins made a motion that the text amendment be denied and the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

Issues Not on Tonight's Agenda:

Council Member McClure inquired about the Veteran's Day Parade. Mr. Maness advised that the Police Department processes parade applications.

Mayor Peterman asked Recreation and Parks Director Brian Faucette to talk about the upcoming Story Walk event ribbon cutting taking place at 4:00 p.m. on September 5, 2018 at the Goley Street Field. Mr. Faucette advised that this project is spearheaded through the United Way by way of a grant funded by the Carolina Panthers football team.

Mayor Peterman asked Mr. Maness if the Downtown Development Coordinator position had been filled. Mr. Maness advised that Mrs. Mary Faucette has been hired and will assume her new role on September 17, 2018. He added that Mrs. Faucette does bring experience in Downtown environments and event planning and we look forward to Mary joining our staff.

At 8:49 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

**CITY OF GRAHAM
SPECIAL SESSION
WEDNESDAY, SEPTEMBER 19, 2018
11:00 A.M.**

The City Council of the City of Graham met in special session at 11:00 a.m. on Wednesday, September 19, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Chip Turner

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Mary Faucette, Downtown Development Coordinator

Council Members Absent:

Council Member Griffin McClure
Council Member Melody Wiggins

Mayor Jerry Peterman called the meeting to order and presided at 11:00 a.m.

Requests & Petitions from Citizens:

- a. Approve request from Jennifer Talley to close the 100 block of East Elm Street on Friday, September 21, 2018 from 6:00 p.m. until 5:00 p.m. on Sunday, September 23, 2018 for the rescheduled Downtown Graham DockDogs Festival, pending receipt of a certificate of liability insurance prior to the event*

City Manager Frankie Maness explained that this request was to amend the dates of the street closure previously approved by Council. He advised that the City has received the certificate of liability insurance for this event.

With no comments forthcoming, Mayor Peterman made a motion to approve the request, seconded by Mayor Pro Tem Lee Kimrey. All voted in favor of the motion.

Issues Not on Today's Agenda:

Assistant City Manager Aaron Holland introduced the City's new Downtown Development Coordinator Mary Faucette.

Without objection, Mayor Peterman declared the meeting adjourned at 11:01 a.m.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 2, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 2, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Mary Faucette, Downtown Development Coordinator

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.

City Manager Frankie Maness introduced the City's new Downtown Development Coordinator Mary Faucette. In the three weeks since joining the City of Graham staff, Mrs. Faucette stated that she has met with several business owners and looks forward to meeting many more in the days to come.

Consent Agenda:

- a. Approval of Minutes – September 4, 2018 Regular Session*
- b. Approval of Minutes – September 19, 2018 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
OCTOBER COUNCIL MEETING				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
597235	2018	EDWARDS, JUSTIN COOK	JET SKI NOT IN CITY OF GRAHAM ON JAN 1	13.08
667214	2018	DBD/MONROE X LLC (PRESS)	VALUE CORRECTION-NON DEPRICIABLES	9.76
28725-1784	2018	CONCEPT BUILDERS		\$159.25
539936-8326	2018	WINDSOR INVESTMENTS LLC		\$5.38
539936-8323	2018	WINDSOR INVESTMENTS LLC	BUILDERS INVENTORY DEFERMENT REMOVED	\$5.07
660352-1457	2018	CENTRAL ALAMANCE SCENIC	& FULL VALUE BILLED TO NEW OWNER	\$6.12
660352-1466	2018	CENTRAL ALAMANCE SCENIC		\$5.71
660352-1458	2018	CENTRAL ALAMANCE SCENIC		\$5.33
660352-1482	2018	CENTRAL ALAMANCE SCENIC		\$5.25
660352-1477	2018	CENTRAL ALAMANCE SCENIC		\$4.55
660352-1480	2018	CENTRAL ALAMANCE SCENIC		\$5.42
660352-1479	2018	CENTRAL ALAMANCE SCENIC		\$4.61
33635	2018	THOMPSON, MATTIE G.	QUALIFIED FOR HOMESTEAD EXEMPTION	200.09
652020	2018	LEBERT, DONALD	QUALIFIED FOR HOMESTEAD EXEMPTION	15.93
539936	2018-8510	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8511	WINDSOR INVESTMENTS LLC	BLDRS INVENTORY DEFERMENT SHOULD NOT	102.38
539936	2018-8512	WINDSOR INVESTMENTS LLC	HAVE BEEN REMOVED, RELEASE BILL	493.38
539936	2018-8513	WINDSOR INVESTMENTS LLC	CREATED ON 9/5/18 THAT WAS BILLED TO THE	102.38
539936	2018-8514	WINDSOR INVESTMENTS LLC	NEW OWNER	102.38
539936	2018-8515	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8516	WINDSOR INVESTMENTS LLC		102.38
TOTAL RELEASES				1553.41

- d. Approve First United Methodist Church's request to close East Market Street on Sunday, October 28, 2018 from 3:00 p.m.-8:00 p.m. for a Community Trunk-or-Treat event*
- e. Approve Graham Historical Museum Advisory Board Mission Statement*

The Graham Historical Museum will offer an environment that exhibits artifacts in a well-organized and visually appealing setting and shows the unique physical and cultural history that reflects the story of the City of Graham, NC. It will be the goal of the Historical Museum Advisory Board to serve as responsible stewards of all artifacts entrusted to the Museum and use those items to provide educational and informative programs for the public. The Museum will be a resource for scholars, historians and educators as well as history buffs.

- f. Approve Graham Recreation & Parks request for October 11, 2018 to serve as a rain date for the Thursday @ 7 Concert Series*

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

Old Business:

- a. Public Hearing: Home Occupation in CZ (AM1806). Request by Kevin Ingold to amend the Development Ordinance, Article IV, Division 6, Section 10.135 to permit Home Occupations within our Conditionally zoned residential areas*

Mr. Holland explained that at the September 4, 2018 City Council meeting, Council voted to continue this item to this month's meeting. Last month, staff advised that Mr. Ingold had been unable to make the Planning Board's August meeting, therefore the Planning Board had not made a recommendation prior to the Public Hearing. Due to inclement weather, the Planning Board's September meeting was cancelled. Mr. Holland advised that Council could choose to continue the Public Hearing to next month or could proceed with a vote on the matter.

Council Members and staff briefly discussed the overall application of the text amendment and by consensus, chose to proceed with this item. Mayor Peterman reconvened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and expressed concern with the Council's procedure with voting on something when the applicant is not present. Mayor Peterman and Mr. Maness explained that applicants are not required to be at Public Hearings. Council sometimes has questions for the applicant, but with this request, it will have general application throughout the City. With no further questions forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Lee Kimrey advised that he is planning on having a future home office in the B-1 district. Mayor Peterman made a motion to recuse Mayor Pro Tem Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Griffin McClure 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: The proposed amendment will allow for a home to be used by the citizen to a higher standard, while not disrupting the residential character of the neighborhood. Council Member Turner seconded the motion and all voted in favor of the motion. Mayor Pro Tem Kimrey rejoined the Council.

Vote 3 for Education Resolution:

Mayor Peterman advised that he was asked to present this resolution to the Council. He advised that during the City's workshops for our Comprehensive Plan, most every resident attending identified the schools as the biggest problem in Graham. He spoke of the positive effect that this bond referendum will have on the citizens of Graham should it pass this November. He concluded by reading a copy of the proposed resolution.

Council Member McClure stated he supports this resolution and Graham supporting this resolution. He stated that he has worked for three years with the school system trying to figure out a solution for Graham and the kids in the public sector. He added that you can make the argument for repurposing old schools, but that is looking back and not looking forward.

Council Member Turner stated that he definitely supports the Graham schools and the construction of a new high school, but expressed concern with this Council approving a resolution.

Mayor Pro Tem Kimrey stated that regardless of where this Council's supports is on this issue individually, he respects the County Commissioners decision to allow every voter to have a voice in this matter. He expressed his support for schools, but had reservations about the language in the proposed resolution. He expressed concern with this Council endorsing a political vote on an issue on behalf of all its citizens.

Council Member Wiggins stated that she sees both sides, however, she feels that the local governing bodies, as elected leaders, should be in support of this resolution and improving our school system.

With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor.

Mr. Boney expressed concern with some of the language included in the proposed resolution, specifically paragraph four. He stated that he has not seen anything that suggests residents of Graham would go to the proposed new school. Mr. Boney passed out an envelope which contained a letter expressing his concerns, a sample ballot, a copy of the minutes from a March 26, 2018 Alamance County Commissioners meeting, a copy of the resolution passed by the City of Burlington earlier in the day and a copy of the September 27, 2018 edition of the Alamance News.

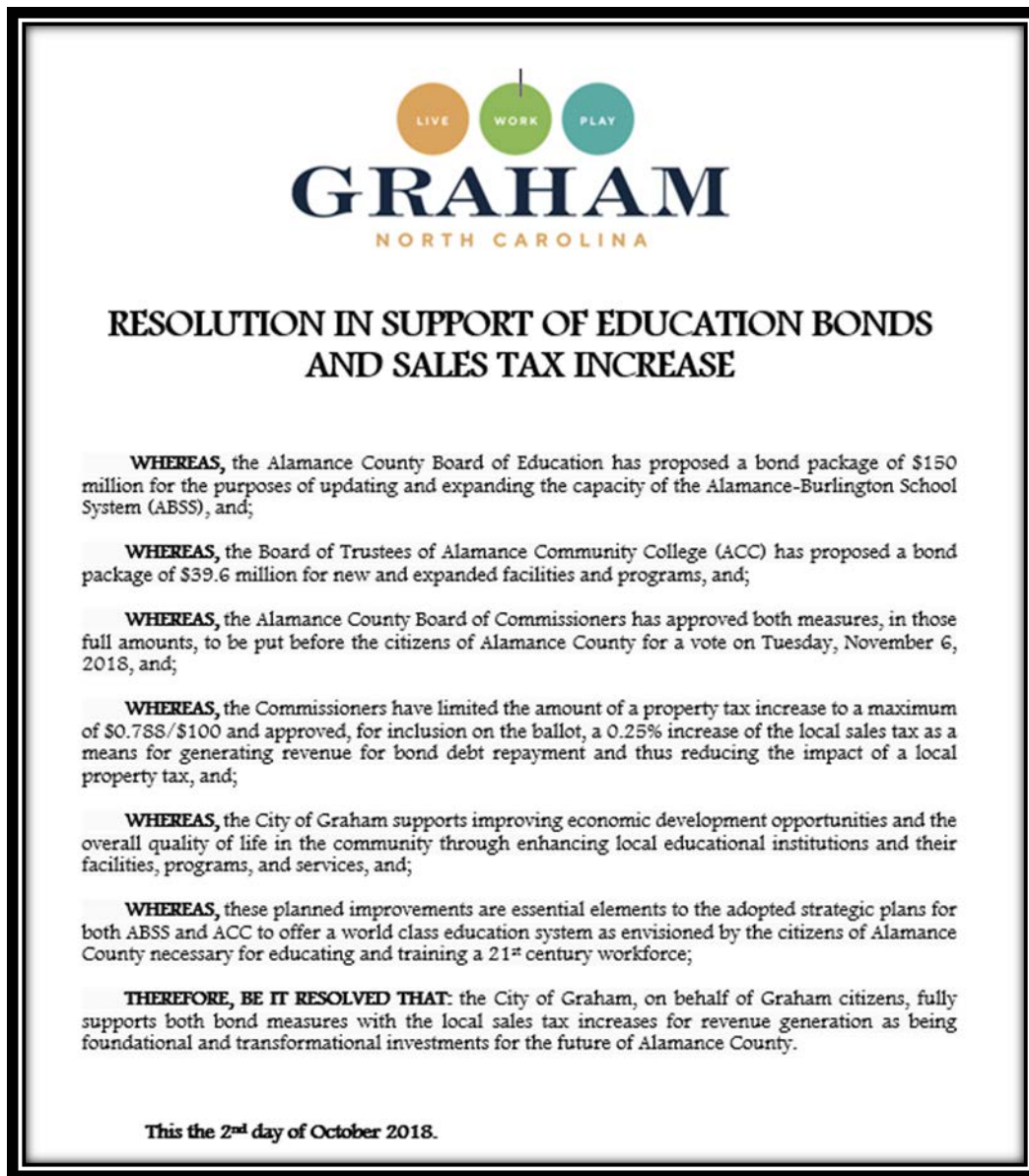
Mr. Jay Martin of 405 Ivey Road Graham stepped forward and expressed his support for the bond. He added that to his knowledge, every Graham City resident would attend the new school.

Council Members continued to debate the issues brought up and worked on amending some of the language in the proposed resolution. Mayor Peterman asked City Clerk Darcy Sperry to read back those proposed changes to the language in this resolution. The change to paragraphs four and seven were as follows:

***WHEREAS,** the Commissioners have expressed an expected impact of a property tax increase to a maximum of 0.0788/\$100 and approved, for inclusion on the ballot, a 0.25% increase of the local sales tax as a means for generating revenue for bond debt repayment and thus reducing the impact of a local property tax, and;*

***THEREFORE, BE IT RESOLVED THAT:** the Graham City Council supports both bond measures.*

Mayor Pro Tem Kimrey made a motion that the original resolution as proposed in the agenda be approved, seconded by Council Member Wiggins. Ayes: Mayor Peterman, Council Member Wiggins and Council Member McClure. Nays: Mayor Pro Tem Kimrey and Council Member Turner. Motion carried 3:2.



ABC Interlocal Agreement Amendment:

City Attorney Keith Whited advised that this amendment to the Interlocal Agreement for Merged “Alamance Municipal Alcoholic Beverage Control System” has been in the works for almost 10 years. He stated that the various parties have been working on cleaning up the original agreement and summarized the proposed changes.

Council Members briefly discussed revenue sharing, membership appointments by the various municipal boards and how the local ABC board is responsible for determining the location of their stores.

Council Member Wiggins made a motion to approve the Third Amended and First Restatement of Interlocal Agreement for Merged “Alamance Municipal Alcoholic Beverage Control Systems”, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Ms. Perry Slade of 871 Border Lake Trail Burlington stepped forward to express various concerns with the proposed Mountain Valley Pipeline (MVP) extension that will run across her property. She challenged Council to research the facts that MVP has reported and determine what is true and what is not.

Mr. Jeff Eichinger of 2230 Cherry Lane Graham stepped forward to voice his opposition to the pipeline and challenged Council to take a position opposing it much like the County Commissioners have done.

Mr. Whited mentioned that he failed to advise Council of changes made to the ABC Interlocal Agreement voted on earlier. He stated that the changes were made to page 4, sections 4 & 5, after the agenda packet went out. A copy of those changes were placed in front of each Council Member prior to tonight's meeting. He recommended Council amend their earlier motion to include those changes. Council Member Wiggins amended her previous motion and motioned to approve the agreement with the amended changes, seconded by Mayor Pro Tem Kimrey. All voted in favor of the amended motion.

Council Member McClure stated that he would support a resolution to oppose the MVP project should one come before this Council.

Mayor Pro Tem Kimrey asked for an update on the progress of a Small Area Downtown Plan. Mr. Holland and Mr. Maness advised that request for proposals went out about a week ago and we are starting to field phone calls. Mr. Maness stated that he will forward Council a copy of the request for proposals.

Mayor Peterman reminded everyone that there is a Thursday at 7 concert this Thursday at 7:00 p.m.

At 8:49 p.m. Council Member Turner made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, NOVEMBER 6, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, November 6, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

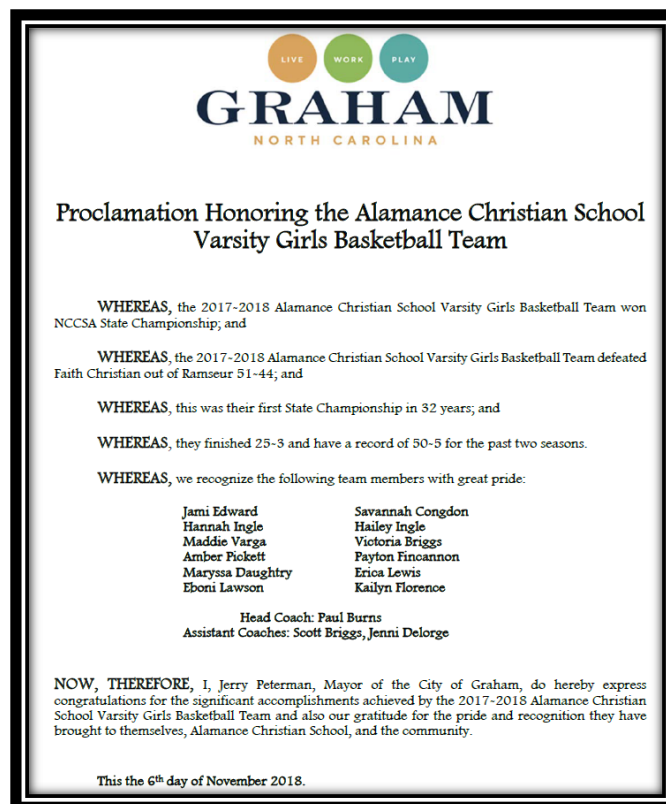
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator
Duane Flood, Graham Police Lieutenant

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

Honorary Proclamation and Presentation:

➤ *Alamance Christian School Varsity Girls Basketball Team*

Mayor Peterman presented an honorary proclamation to the 2017-2018 Alamance Christian School Varsity Girls Basketball Team.




➤ *Graham Historical Museum Advisory Board Update*

Graham Historical Museum Advisory Board Chairperson Elaine Murrin stepped forward and gave an update on the redesign project members of the board have undertaken. She advised that November 30, 2018 and December 1, 2018 have been set as the launch dates for this museum project and advised that the standard hours of operation will be from 10:00 a.m. – 2:00 p.m. every Friday and Saturday.

Consent Agenda:

- a. *Approval of Minutes – October 2, 2018 Regular Session*
- b. *Approve Memorandum of Understanding with the City of Burlington for providing Graham with capacity for replication of critical data to a remote location thereby providing a secondary backup as well as a disaster recovery solution*
- c. *Approve Adoption of Budget Ordinance Amendment for Fiscal Year 2018-2019 reducing the Non-Departmental Appropriations to \$971,000*



GRAHAM
NORTH CAROLINA

**Budget Ordinance Amendment
FY 2018-2019**

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

Section 1. The following amended amounts are hereby appropriated in the General Fund for the operation of the City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

NON-DEPARTMENTAL	971,000
FUND TOTAL	13,014,100

Adopted this 6th day of November 2018.

- d. *Approve request from ALCOVETS to close the city parking lot located at the corner of East Elm Street and North Marshall Street beginning at 9:00 pm on November 7, 2018 through November 10, 2018 to allow for operation rides following inspection by the state, pending the receipt of certificate of liability insurance listing the City of Graham as additional insured*
- e. *Approve request from ALCOVETS to close the 100 and 200 blocks of East Elm Street., to include the intersection of North Marshall Street and East Elm Street., from 7:00 am until 8:00 pm on November 10, 2018, pending the receipt of certificate of liability insurance listing the City of Graham as additional insured*

Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items “b” and “d”. Council Member Melody Wiggins made a motion to approve items “a”, “c” and “e”, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Manager Frankie Maness for a brief description of item “b”. Mr. Maness advised that this is an extension of existing cooperation between the City of Burlington and Graham. Mayor Pro Tem Kimrey made a motion to approve item “b”, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Graham Police Lieutenant Duane Flood to inform everyone about the upcoming Veteran’s Day Festival sponsored by ALCOVETS included in item “d”. Lt. Flood advised that there are now going to be rides along with several types of vendors at this year’s event. Mr. Chuck Talley of 808 Sideview Street Graham stepped forward to talk about the lineup of bands scheduled for the festival. Mayor Pro Tem Kimrey made a motion to approve item “d”, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Highway 54 Corridor Study

Planning Director Nathan Page explained that in the fall of 2017, the Durham-Chapel Hill-Carrboro Metropolitan Organization (DCHCMPO) and the City of Graham funded a study to consider the future of the Highway 54 Corridor between Graham and Carrboro. While there were many competing interests in this plan, the study authors have balanced all entries and concluded that widening to 4 lanes is needed for all of the corridor on or before 2045, with portions closest to the municipalities suggested to be in place before 2035. He further stated that this project is needed because some portions of the network are already over-leveraged, and our year 2040 projections suggest there will be in excess of 32,000 cars per day towards Interstate 40/85, as well as more than 18,000 per day East of Highway 119. There are increasing congestion concerns due to the growth being experienced in the Burlington Graham Metropolitan Organization (BGMPO) area, and congestion is further exasperated by the growth of employment opportunities in and around UNC-CH.

Following a general discussion about the study between Council Members and staff, Mayor Pro Tem Kimrey made a motion to approve the Highway 54 West Corridor Study as completed by VHB in the fall of 2018, seconded by Council Member Wiggins. All voted in favor of the motion.

Recommendations from Planning Board:

a. First Reading: Amendment to the City of Graham Code of Ordinances Chapter 2, Article II, Division 3, Boards and Commissions

Mr. Page advised that while this item does not come directly from the Planning Board, item “b” does. He explained that this part of the request is to amend the Code of Ordinances by adding enabling language for both the Appearance Commission and the Tree Board. Part “b” would remove enabling language for both boards from the Development Ordinance. Mr. Page added that City Council requested adding a residency requirement to the Appearance Commission and the Tree Board.

As these also regulate potential behavior of residents rather than Land Use, it was suggested that they be moved into the Code of Ordinances. Further, this language will reduce the Appearance Commission to seven members, which will allow for all members to be seated in the Council Chambers at the same time.

Following a brief discussion between Council Members and staff, Council Member McClure made a motion to approve the Ordinance amendment to add Chapter 2 (Administration), Article II, DIVISION 3. Boards and Commissions to the Code of Ordinances to add enabling language for the Appearance Commission and Tree Board. Council Member Wiggins seconded the motion and all voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

b. Public Hearing: Text Amendment Appearance Commission and Tree Board (AM1808). Request by the City Council to remove the enabling language for the Appearance Commission and Tree Board from the City of Graham Development Ordinance

Mr. Page explained that the City Council had previously recommended changes be made to the enabling language for the Appearance Commission and the Tree Board, as well as moving the regulations for both into the Code of Ordinances.

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

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

Amendments to the Traffic Schedules:

a. Approve Amendment to the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for 100 Block of South Main Street

Downtown Development Coordinator Mary Faucette explained that in the interest of increasing parking in Downtown, staff has identified an area for the addition of five parking spaces on South Main Street between Court Square and Pine Street. The City of Graham Traffic Schedules currently limit parking in the area closest to Pine Street, therefore an amendment to the Schedules is required to allow for lawful parking. She further stated that the addition of the parking spaces on the west side of Main Street would affect traffic circulation by causing the removal of the right turn lane (South Main Street). The removal of the right turn lane is consistent with prior Council approvals to install bike lanes on Pine Street.

Council Member Wiggins disclosed that she partially owns a business in a building that houses multiple businesses in the area affected by this amendment. Council Members discussed that with no direct financial gain to Council Member Wiggins, recusal was not necessary and a general discussion ensued.

Council Member McClure made a motion to Amend the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for 100 Block of South Main Street to read as follows:

- Main Street (South), east side, north from Pine Street 40 feet
- Main Street (South), west side, north from Pine Street 35 feet

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

b. Public Hearing: *Approve Amendment to the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for Marshall Street west side from Harden Street south*

Mrs. Faucette explained that Forgotten Road Ales has requested on street parking from the City of Graham on Marshall Street from the southwest corner of the intersection with East Harden Street on the west side of Marshall Street within the block between Elm Street and Harden Street. She added that this area is viewed as an opportunity for larger trucks, allowing them to avoid the Court Square area.

Council Members and staff spent time discussing this request, including whether or not the additional parking spaces should be marked. Council Member Turner expressed concern with site distance for residential driveways in this area. Staff advised that currently no parking is allowed 130 feet along Marshall Street from the intersection of East Harden Street and East Elm Street. This request is to reduce the 130 feet to 100 feet.

With no further discussion forthcoming, Mayor Peterman opened the Public Hearing. Ms. Janee Farrar, owner of Forgotten Road Ales located at 141 East Harden Street Graham stepped forward to express her opinion that marking the parking spaces would be beneficial. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Peterman made a motion to Amend the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for Marshall Street west side from Harden Street south to read as follows:

- Marshall Street west side, from Harden Street south 100 feet

Mayor Pro Tem Kimrey seconded the motion. Ayes: Mayor Peterman, Mayor Pro Tem Kimrey, Council Member McClure and Council Member Wiggins. Nays: Council Member Turner. Motion carried 4:1.

Issues Not on Tonight's Agenda:

Mr. Maness recognized the unexpected passing of City of Graham employee Al Mann. Mr. Maness advised that while most employees have the opportunity to be recognized by City Council when they retire, Mr. Mann did not. Mr. Maness wanted the record to reflect Mr. Mann's service to the City of Graham.

Mayor Peterman reminded everyone about the Veteran's Day Festival on Saturday, November 10, 2018.

At 8:02 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

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, DECEMBER 4, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, December 4, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Chip Turner
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
Jeff Prichard, Police Chief

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 – November 6, 2018 Regular Session*
- b. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER COUNCIL MEETING				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
597235	2018	EDWARDS, JUSTIN COOK	JET SKI NOT IN CITY OF GRAHAM ON JAN 1	13.08
667214	2018	DBD/MONROE X LLC (PRESS)	VALUE CORRECTION-NON DEPRICIABLES	9.76
28725-1784	2018	CONCEPT BUILDERS		\$159.25
539936-8326	2018	WINDSOR INVESTMENTS LLC		\$5.58
539936-8323	2018	WINDSOR INVESTMENTS LLC	BUILDERS INVENTORY DEFERMENT REMOVED	\$5.07
660352-1457	2018	CENTRAL ALAMANCE SCENIC	& FULL VALUE BILLED TO NEW OWNER	\$6.12
660352-1466	2018	CENTRAL ALAMANCE SCENIC		\$5.71
660352-1458	2018	CENTRAL ALAMANCE SCENIC		\$5.33
660352-1482	2018	CENTRAL ALAMANCE SCENIC		\$5.25
660352-1477	2018	CENTRAL ALAMANCE SCENIC		\$4.55
660352-1480	2018	CENTRAL ALAMANCE SCENIC		\$5.42
660352-1479	2018	CENTRAL ALAMANCE SCENIC		\$4.61
33635	2018	THOMPSON, MATTIE G.	QUALIFIED FOR HOMESTEAD EXEMPTION	200.09
652020	2018	LEBERT, DONALD	QUALIFIED FOR HOMESTEAD EXEMPTION	15.93
539936	2018-8510	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8511	WINDSOR INVESTMENTS LLC	BLDRS INVENTORY DEFERMENT SHOULD NOT	102.38
539936	2018-8512	WINDSOR INVESTMENTS LLC	HAVE BEEN REMOVED, RELEASE BILL	493.38
539936	2018-8513	WINDSOR INVESTMENTS LLC	CREATED ON 9/5/18 THAT WAS BILLED TO THE	102.38
539936	2018-8514	WINDSOR INVESTMENTS LLC	NEW OWNER.	102.38
539936	2018-8515	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8516	WINDSOR INVESTMENTS LLC		102.38
656364	2018-4179	KEYSTONE GROUP INC	BLDRS INV DEFERMENT REMOVED, BILL NEW OWNE	91.00
486701	2018	PRO BOOKS LLC	BUSINESS CLOSED 12/31/17	5.91
8901	2018	STILES, JAMES D	QUALIFIED FOR HOMESTEAD EXEMPTION	239.19
435366	2018	GALBRAITH, ARTHUR	QUALIFIED FOR DISABLED VETERANS EXEMPT	204.75
TOTAL RELEASES				2094.26

- c. Appoint Christina Taylor to the Appearance Commission with a term to expire June 30, 2021*
- d. Approve Rescheduling the January 1, 2019 Regular Session City Council Meeting to 7:00 p.m. on Tuesday, January 8, 2019*
- e. Approve Amended Audit Contract with Stout, Stuart, McGowen & King, LLP*

Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull item “e”. Council Member Chip Turner made a motion to approve items “a”, “b”, “c” and “d”, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked City Manager Frankie Maness why the audit contract needs to be amended. Mr. Maness advised the current audit contract stipulates that the audit must be completed by October 31, 2018. He added that the City, like others, is experiencing a delay in finalizing the auditing process due to a delay in receiving the City’s GASB Statement No. 75 Report of the City’s Health Care Plan. Mayor Pro Tem Kimrey made a motion to approve item “e”, seconded by Council Member McClure. All voted in favor of the motion.

Recommendations from Planning Board:

- a. Public Hearing: Sizemore (RZ1807). Request by Joseph Sizemore to rezone property located at 105 West Moore Street/133 South Main Street from R-12 Residential District to B-2 General Business (GPIN# 8883264486, 8883265642, 8883267292, 8883268103, 8883263268, 8883267360, 8883264112, 8883265184)*

Mr. Page advised that this property is surrounded by two development types; Business District (general business) B-2 and R-12 Residential District (medium density). This request is to rezone all of these properties from R-12 to B-2. He added that several of the lots are currently undeveloped and three of the parcels are occupied by single family homes.

Following a brief discussion between Council Members and staff regarding a couple of the parcels being split zoned, Mayor Peterman opened the Public Hearing.

Mr. Joseph Sizemore of 5648 Mt. Hermon Rock Creek Road Snow Camp stepped forward to answer questions Council may have. With no questions forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem 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: The quantity of vehicle traffic of the Highway 87 corridor as well as the Future Land Use Map suggest that commercial uses may be better suited to this site than residential. Council Member Wiggins seconded the motion and all voted in favor of the motion.

City Attorney Succession Discussion:

Mayor Peterman advised that City Attorney Keith Whited has informed the City that he will be stepping down from his position effective February 28, 2019.

Council and staff spent a great deal of time discussing what, if any, changes need to be made to the current agreement with the City Attorney position. Staff was in agreement that they would never turn down an agreement which includes more hours. Mr. Maness advised that ultimately it is the Council's decision to determine what level of service they want for the City. Mayor Peterman asked City Clerk Darcy Sperry to create a Doodle Poll to find a date and time suitable for all to hold a special meeting by which Council can set the parameters for a search. He asked Mr. Maness to compile data for what other municipalities our size are currently doing. Lastly, he asked Council Members to start thinking of questions to ask perspective applicants.

Issues Not on Tonight's Agenda:

Mr. Whited apologized for putting Council through the search for a new City Attorney at this time.

Council Member Wiggins recognized the staff of Recreation & Parks, Police and Fire Departments for an outstanding job done on the Christmas Parade and festivities this past weekend.

Mayor Pro Tem Kimrey thanked Mr. Whited for his service to the City and stated it was his honor to have worked with him.

Mr. Maness informed those attending the Community Leaders breakfast at Alamance Community College on December 5, 2018 that carpooling would be available.

Mayor Peterman recognized and thanked those who worked on the Veteran's Day Parade.

At 7:50 p.m. Mayor Pro Tem 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
WEDNESDAY, DECEMBER 12, 2018
10:00 A.M.**

The City Council of the City of Graham met in special session at 10:00 a.m. on Wednesday, December 12, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney

Mayor Jerry Peterman called the meeting to order and presided at 10:00 a.m.

City Attorney Succession Plan:

Mayor Peterman informed those in attendance that this meeting was to discuss the parameters of the search for a new City Attorney. He asked City Manager Frankie Maness for a brief background of the state statute pertaining to City Attorney's. Mr. Maness read the state statute as well as the language included in the City's charter.

Council and staff spent time discussing the current needs of the City while being mindful of future needs. Consideration was given to keeping the same arrangement as the City has now, increasing the number of hours included in the arrangement or contracting legal services. Mr. Maness advised that the City is prepared to do whatever the Council wishes, but stated that he would prefer a fixed cost arrangement.

By consensus, Council agreed the best way to proceed would be via a Request for Proposals and Qualifications from firms or individuals. Mayor Peterman recessed the meeting at 10:41 a.m. so that Mr. Maness could draft a proposal that could be voted on at this meeting. At 11:02 a.m., Mayor Peterman reconvened the meeting.

Council Members read, briefly discussed and made changes to the proposed draft. The proposal includes a minimum of 16 hours of legal services based at City Hall per week and a fixed annual contract price. Council Member Melody Wiggins made a motion to accept this terminology as our advertisement for the City Attorney, seconded by Council Member Griffin McClure. All voted in favor of the motion.

At 11:08 a.m. Council Member Chip Turner made a motion to adjourn, seconded by Mayor Pro Tem Lee Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk

