

**CITY OF GRAHAM
SPECIAL SESSION
TUESDAY, JANUARY 8, 2019
7:00 P.M.**

The City Council of the City of Graham met in special session at 7:00 p.m. on Tuesday, January 8, 2019, 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
Mary Faucette, Downtown Development Coordinator
Alexa Powell, City Planner

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 – December 4, 2018 Regular Session*
- b. Approval of Minutes – December 12, 2018 Special Session*
- c. Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
JANUARY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
670920	2018	FORKS OF ALAMANCE HOMEOWNERS	COMMON AREA - ALLOCATED TO HOMEOWNERS	693.88
600535	2011	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	30.11
600535	2012	FLORES, ANTONIO CHAVARRIOS	SOLD MOBILE HOME	\$28.07
614337	2018	DEAN, JOEL ALAN	NO LONGER IN THE CITY LIMITS	\$58.73
665817	2018	LIDL US OPERATIONS LLC	BUSINESS PERSONAL PROPERTY CODED WRONG & SOME EQUIPMENT EXEMPT	\$4,514.53

CITY OF GRAHAM REFUNDS				
JANUARY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
622323	2018	L & E ENTERPRISES I LLP	COMMON AREA	8.87

d. Appoint Nicki Grafos Smith to the Historical Museum Advisory Board with a term to expire June 30, 2021

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

Downtown Small Area Plan:

a. Approve Contract with Toole Design Group

Planning Director Nathan Page reminded Council that in their 2018/2019 budget year, Council funded their match portion of a Small Area Plan. While Graham allocated \$50,000, the Burlington Graham Metropolitan Planning Organization and the North Carolina Department of Transportation also submitted \$50,000 each to this plan bringing the total budget to \$150,000. He added that in September, the City released a Request for Qualifications to the NCPLAN listserv, as well as posting it on the City's website. Out of a total of 11 responses, staff narrowed the pool to three interviewees. Subsequent to the interviews, staff recommended Toole Design Group as the preferred design firm. Mr. Page provided Council with a revised contract and asked that they consider authorizing the City Manager to enter into an agreement with Toole Design Group when making a motion.

Council Members and staff briefly spoke about the decision that went into choosing this group, the timeframe by which this plan will be completed, this group's availability of staff and amending the contract to include the Graham Area Business Association as a stakeholder. Toole has proposed that the plan will be completed by August 2019 or they will forfeit money.

With no further discussion, Mayor Pro Tem Lee Kimrey made a motion to approve the contract with Toole Design Group for our Downtown Small Area Plan and adopt the amended language presented tonight and include the Graham Area Business Association as stakeholders, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Main Street Program Discussion:

Downtown Development Coordinator Mary Faucette provided Council with an extensive background summary of how the NC Main Street program works. She advised that her presentation was a collaborative project between herself and City Planner Alexa Powell. Mrs. Faucette's presentation touched upon the program's approach of distinguishing every community and commercial district as different. The Main Street approach offers community based revitalization, initiatives for the practical adaptable framework for downtown transformation and is easily tailored to local conditions. Mrs. Faucette asked for Council's approval to continue researching the Downtown Associate Community program and their willingness to commit a minimum of \$5,000 annually for up to three years as required by the program's application.

Council Members inquired about the June 2019 application deadline, the annual financial commitment by the City, what data would be included in the application and the creation of the required advisory board should the City be selected for this program.

With no further questions forthcoming, Council Member Wiggins made a motion to direct City staff to continue research into the Downtown Associate Community program and collect data to support a future application, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Public Private Partnership (P3):

a. Approve Resolution Adopting Statement of Critical Need to Enter into A Public-Private Partnership to Develop a Spec Building On City-Owned Property in The City of Graham, North Carolina

Ms. Powell explained that her presentation was to discuss developing an industrial spec building on a piece of City owned property located on East Interstate Service Road. The City acquired the 5.5 acre parcel of land in 2009. She added that the City has approximately \$335,000 invested in the property and the property has been on the market for nine years. Ms. Powell stated that in order to realize the full value of the property, the City of Graham may wish to consider developing such a building on the site through a Public Private Partnership (P3). Developing an industrial building on this property is a proactive approach with the potential to deliver long-term financial, strategic and economic community benefits in line with the goals of The Graham 2035 Comprehensive Plan. Ms. Powell reviewed the necessary steps to enter into a P3 and advised Council of the potential benefits and concerns of such an arrangement.

Following a general discussion between Council Members and staff regarding this avenue, Mayor Peterman asked if anyone from the audience would like to speak on this matter.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward and inquired about the property's current zoning, the City's financial contribution, timeframe in which a partnership may take place and whether or not the old Cannon Mill on Parker Street would be a viable building to try and lure a business into Graham.

Mrs. Jennifer Talley of 808 Sideview Street Graham and Mr. Richard Hurlocker of 1724 Petty Road Graham stepped forward to advise Council that Mr. Hurlocker would like the opportunity to make the City an offer to purchase the property. Mrs. Talley asked Council to table this agenda item until next month to allow time for Mr. Hurlocker to make an offer. City Manager Frankie Maness outlined the required receipt of a written offer, bid bond of 5% and the advertisement of an upset bid should the City receive an offer and wish to pursue the sale of the property.

By consensus, Council Members agreed and Mayor Pro Tem Kimrey made a motion to table this matter until next month. Council Member Turner seconded the motion and all voted in the favor of the motion.

Order to Demolish:

a. Approve Ordinance to Demolish vacant house located at 323 Albright Avenue

Assistant City Manager Aaron Holland advised that staff is seeking authorization to proceed with the demolition of a vacant house located at 323 Albright Avenue. According to Alamance County tax records, the property is owned by James K. & Annie S. Jernigan, c/o Kay Hall and the structure is approximately 1680 square feet.

He further advised that the property owner was originally contacted by mail by the Inspections and Zoning Department on October 25, 2017 based on a complaint of a dilapidated house on the property. Staff maintained communication with the property owner over the next several months to monitor the status of the abatement. Mr. Holland stated that after further deterioration and a lack of progress, the property owner was given a timeframe to have the structure demolished. After several attempts to remedy the complaint were unsuccessful, it was determined by the Chief Building Inspector that an Order to Demolish be issued. The lowest demolition bid the City received was \$7,000 and staff recommends approval.

Council Members and staff briefly discussed the procedure by which the City would be reimbursed for the costs incurred with demolition. A lien will be placed on the property in hopes that the City would be reimbursed at the time the property should be sold or foreclosed on.

Council Member McClure made a motion to approve the Ordinance authorizing City staff to proceed with the demolition of the vacant structure located at 323 Albright Avenue, seconded by Council Member Turner. All voted in favor of the motion.

AN ORDINANCE REQUIRING DEMOLITION OF A CERTAIN DWELLING OWNED BY JAMES K & ANNIE S JERNIGAN, C/O KAY HALL, AND PERSONS WITH INTEREST IN THE DWELLING LOCATED AT 323 ALBRIGHT AVE, GPIN 8884352683, GRAHAM, ALAMANCE COUNTY, NORTH CAROLINA

BE IT ORDAINED by the Governing Body of the City of Graham, Alamance County, North Carolina as follows:

Pursuant to North Carolina General Statute 160A-441 et. seq. and the General Ordinances of the City of Graham, Alamance County, North Carolina, Chapter 3 Division 1 et. seq., the Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, as authorized by the Governing Body of the City of Graham, Alamance County, North Carolina, has determined that a certain dwelling owned by James K. & Annie S. Jernigan, C/O Kay Hall and persons with interest in the dwelling located at 323 Albright Avenue in the City of Graham, does not meet the minimum housing code of the State of North Carolina and the City of Graham, North Carolina, and, therefore, said dwelling, pursuant to the laws of the State of North Carolina and the General Ordinances of the City of Graham, North Carolina, should be demolished. That dwelling is described as the dwelling located at 323 Albright Avenue in the City of Graham, and further described and identified as that dwelling located on Parcel ID 146518 and GPIN 8884352683, in the records Alamance County Tax Office.

The findings of the Chief Code Enforcement Officer, James L. Lloyd, duly authorized Building Inspector for the City of Graham, Alamance County, North Carolina, herein referred to as the "Public Officer" and other related correspondence regarding disposition of this dwelling is attached hereto as Exhibits "A through N", and incorporated herein by reference.

NOW, THEREFORE, inasmuch as James L. Lloyd, duly authorized Chief Code Enforcement Officer for the City of Graham, Alamance County, North Carolina, has determined that the dwelling in question is unfit for human habitation, the "Public Officer" is hereby authorized by the City Council of the City of Graham, Alamance County, North Carolina to proceed by causing said dwelling to be demolished and removed from the premises.

IT IS FURTHER ORDERED, that a copy of the Ordinance be recorded in the Office of the Register of Deeds of Alamance County, North Carolina and be indexed in the name of James K. & Annie S. Jernigan, C/O Kay Hall, in the grantor index.

IT IS FURTHER ORDERED that the amount of the cost of demolition and removal of the dwelling by the "Public Officer" shall be a lien against the real property upon which the cost was incurred, which lien shall be filed, have the same priority, and be collected as a lien for special assessments as provided in Article 10 of North Carolina General Statute 160A.

This the 8th day of January, 2019.

Review City Attorney Proposals:

Mayor Peterman asked Council Members what they thought of the proposals received and how they wish to proceed with hiring a new City Attorney. Mayor Pro Tem Kimrey suggested that a paper ballot be used to narrow down the list of potential candidates. Council Member Wiggins suggested the Council go into closed session to discuss the candidates and the hiring process. Council Member McClure stated he would have no problem going into closed session. Mayor Pro Tem Kimrey and Mayor Peterman both expressed concern with going into closed session without public notice being given. They and Council Member Turner expressed their desire to narrow down the list of candidates via paper ballot. City Attorney Keith Whited advised that the Council by law, has the right to choose to go into closed session to discuss a public official.

Mr. Boney stepped forward to oppose Mr. Whited's advice given to Council.

Council Members decided to proceed with paper ballot and list the 4 candidates they wish to interview. The ballots were given to City Clerk Darcy Sperry for tabulation. Ms. Sperry gave Mayor Peterman a list of the top four and he read the list aloud. The results were as follows:

- Ms. Amelia Knauff was on 5 ballots
- Mr. Tom Carruthers was on 4 ballots
- Mr. Robert Giles was on 4 ballots
- Mr. Robert Ward & law partner Mr. Bryan Coleman were on 3 ballots

Mayor Peterman asked Mr. Maness to notify those who did not make the list and he asked Ms. Sperry to coordinate interview dates and times with the Council and candidates.

Issues Not on Tonight's Agenda:

Mr. Richard Shevlin of 510 Wildwood Lane Graham and Mrs. Talley both expressed concern with the City's sign ordinance. Mayor Peterman asked staff to look into the concerns and the possibility of changing what we currently have in place.

Mrs. Faucette informed Council of the \$6,500 grant the City recently received through Impact Alamance.

Mayor Peterman publicly thanked Mrs. Faucette for the great work done with the City's social media accounts.

At 8:38 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, JANUARY 17, 2019
8:15 A.M.**

The City Council of the City of Graham met in special session at 8:15 a.m. on Thursday, January 17, 2019, 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

Mayor Jerry Peterman called the meeting to order and presided at 8:15 a.m.

Closed Session to Conduct City Attorney Interviews:

Mayor Peterman made a motion that the City Council go into closed session for the purpose of interviewing candidates for hiring a public official to wit: "City Attorney" pursuant to the terms of N.C.G.S. §. 143-318-11 (a) (6), seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Mr. Tom Boney of the Alamance News stepped forward and expressed concern with Council's decision to go into closed session.

At 9:29 a.m. Council Members returned to the Council Chambers where Mayor Peterman made the motion to recess the closed session until 8:15 a.m. on Friday, January 18, 2019. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

At 8:15 a.m. on Friday, January 18, 2019, Mayor Peterman reconvened the closed session.

At 2:50 p.m. Council Member Wiggins made a motion to close the closed session, seconded by Mayor Pro Tem Lee Kimrey. All voted in favor of the motion.

At 2:51 p.m. Council Member Griffin McClure made a motion to reconvene the open session, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Peterman made a motion to direct City Attorney Keith Whited to draft an offer agreement with Ward/Coleman to provide City Attorney services and this offer stipulate a minimum of 20 hours per week through the City Attorney's office at City Hall and not to exceed \$78,000 in annual compensation to be voted on at the February 4, 2019 City Council meeting. Council Member Wiggins seconded the motion and all voted in favor of the motion.

At 2:52 p.m., Mayor Pro 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 5, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 5, 2019, 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:

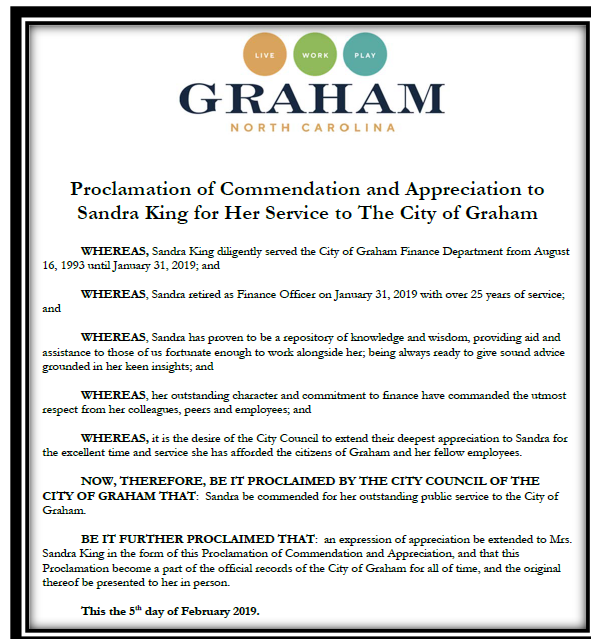
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman City Attorney
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator
Brian Faucette, Recreation & Parks Director
Alexa Powell, City Planner

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

Consent Agenda:

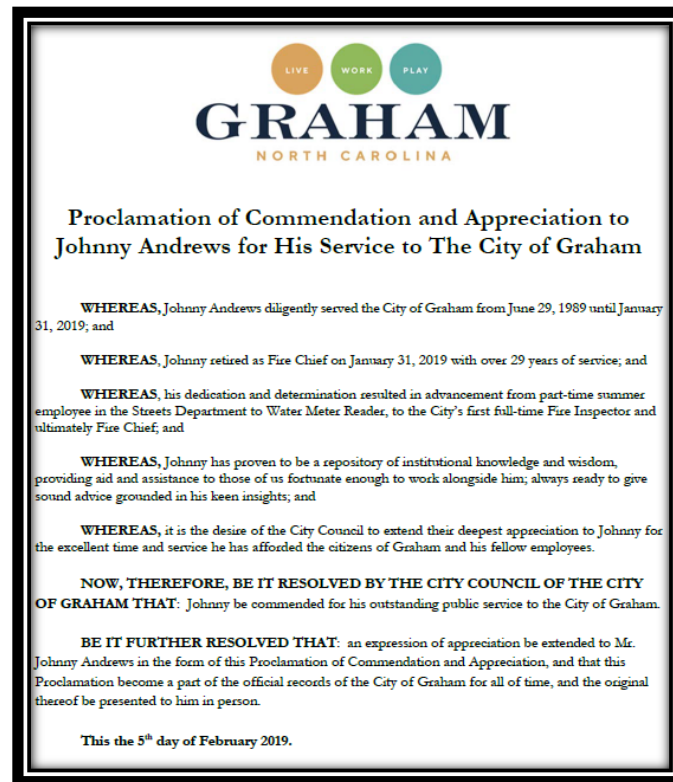
- ***Sandra King – Proclamation of Commendation and Appreciation for 25 years 6 months service to the City of Graham***

Mayor Peterman and City Manager Frankie Maness presented Mrs. Sandra King with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mrs. King thanked both gentlemen.



➤ *John Andrews – Proclamation of Commendation and Appreciation for 29 years 7 months service to the City of Graham*

Mayor Peterman and City Manager Frankie Maness presented Mr. Johnny Andrews with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Andrews thanked everyone and said it had been a wonderful experience working for the City.



Consent Agenda:

- a. *Approval of Minutes – January 8, 2019 Special Session*
- b. *Approval of Minutes – January 17, 2019 Special Session*
- c. *Amend motion for City Attorney services from the January 17, 2019 Special Session to reflect contract approval at the February 5, 2019 City Council meeting*
- d. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
FEBRUARY COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
666586	2017	RAMIREZ, MARIA	MOBILE HOME LISTED FOR WRONG YEAR	74.03
665817	2018	LIDL US OPERATIONS	FINAL VALUE CORRECTIONS	2,406.38

e. Tax Collector's Mid-Year Report

City of Graham
P. O. Drawer 357
201 South Main Street
Graham, North Carolina 27253
Tel: (336) 570-6700 / Fax: (336) 570-6703

MID YEAR REPORT
January 30, 2019

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,076,915,481	0.455%	4,899,975.23
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	5,991,288		27,246.73
<u>ANNEXATIONS:</u>	776,244		3,246.89
<u>ABATEMENTS:</u>	(2,741,513)		(12,530.14)
CURRENT LEVY	1,080,941,500		4,917,938.71
OUTSTANDING REAL PROPERTY TAXES:			244,366.61
OUTSTANDING PERSONAL PROPERTY TAXES:			85,684.56
TOTAL OUTSTANDING TAXES			330,051.17
CURRENT YEAR TAXES COLLECTED:			4,587,887.54
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			93.29%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 14, 2019 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.			
Submitted by Sandy P. Callahan, Tax Collector			

SPE

f. Tax Collector's Debt Set-Off Report

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Griffin McClure asked to pull item "c".

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

Council Member McClure asked for clarification of item "c". Mayor Peterman explained that the motion he made during the January 17-18, 2019 Special Session with regards to voting on the new City Attorney contract included a February 4, 2019 date, when in fact it should have been February 5, 2019.

Council Member McClure 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. Approve contract with Robert Ward & Bryan Coleman to provide City Attorney services

City Attorney Keith Whited explained that the contract for attorney services is changing from a part-time employee agreement to contract services, or vendor agreement. It contains standard insurance provisions and Council's requirements for 20 hours per week at the agreed upon annual rate of \$78,000.

Following a brief discussion between Council Members regarding provisions for education, mileage and/or severance by either party, Council Member Wiggins made a motion to approve the contract with Robert Ward and Bryan Coleman to provide City Attorney services. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Downtown Associate Community Program:

- i. Approve Resolution of Commitment***
- ii. Approve Resolution Designating Coordinating Entity***

Downtown Development Coordinator Mary Faucette recapped last month's presentation and reminded Council of their questions to her at that meeting. Staff is requesting approval to submit an application, including signing a Resolution of Commitment to the NC Main Street & Rural Planning Center to Participate in the Downtown Associate Community Program and signing a Resolution Identifying the Coordinating Entity for the Local Downtown Associate Community Program. Mrs. Faucette added the City would commit a minimum of \$5,000 annually for up to three years as well as dedicate staff time if selected to participate in the Downtown Associate Community program. Additionally, Mrs. Faucette explained that Council will have to designate a coordinating entity if they choose to move forward with application to this program.

Council Members and staff briefly discussed defining the downtown area and the creation of an advisory board before Mayor Pro Tem Lee Kimrey made a motion to approve signing the following Resolution of Commitment to the NC Main Street & Rural Planning Center to Participate in the Downtown Associate Community Program. Council Member McClure seconded the motion and all voted in favor of the motion.

Council Member McClure made a motion to approve signing the following Resolution to Designate the Downtown Development Coordinator as the Coordinator for the Local Downtown Associate Community Program, seconded by Council Member Wiggins. All voted in favor of the motion.

**RESOLUTION OF COMMITMENT TO THE NC MAIN STREET & RURAL PLANNING CENTER
TO PARTICIPATE IN THE DOWNTOWN ASSOCIATE COMMUNITY**

WHEREAS, the City of Graham desires to be selected as a community participating in the Downtown Associate Community program administered by the NC Main Street & Rural Planning Center; and

WHEREAS, the City of Graham and its Council embraces the concept of downtown revitalization as economic development within the context of historic preservation and wishes to ensure the ongoing vitality of its downtown business district and support the local downtown initiative administered by the Downtown Development Coordinator; and

WHEREAS, the City of Graham and its Council understands that the Downtown Associate Community program will focus on the organizational development process for up to three years in order to create a sustainable downtown organizational structure to implement a vision, develop strategies and produce action plans;

WHEREAS, the City of Graham is dedicated to utilizing the foundation of the National Main Street Center's Main Street Four-Point Approach to downtown revitalization and the principles of Organization, Design, Promotion and Economic Vitality; and

WHEREAS, the City of Graham recognizes the nationwide success of the principles of the Main Street Program for creation of new businesses, significant private sector capital investment that increases the property tax base and a significant increase in net employment; and

WHEREAS, the City of Graham will agree to budget up to \$5,000 for fiscal year 2019-2020, in order to reimburse the NC Main Street & Rural Planning Center for travel related expenses at the current IRS rate as well as meals and lodging at the state per diems when applicable and for travel and training of the designated coordinator for the local Downtown Associate Community program;

WHEREAS, the City of Graham acknowledges that if selected to participate in the Downtown Associate Community program, that the City will sign a Memorandum of Understanding (MOU) with the N.C. Department of Commerce, NC Main Street & Rural Planning Center, outlining the requirements for participation in the Downtown Associate Community program with the Center;

WHEREAS, the City of Graham agrees that if selected acknowledging that selection does not guarantee future designation as a North Carolina Main Street community.

WHEREAS, the City of Graham and its Council understands that the foundation of a successful local Downtown Associate Community program is based in the knowledge that both the public and private sectors have a vital interest in the success of the downtown business district and must partner together in order for it to succeed. Now, therefore,

BE IT RESOLVED that the Graham City Council endorses the City of Graham's application to the North Carolina Department of Commerce, NC Main Street & Rural Planning Center for participation in the Downtown Associate Community program; and

BE IT FURTHER RESOLVED that the City of Graham and its Council commits \$5,000 to the administration of the local Downtown Associate Community program.

THIS THE 5TH DAY OF FEBRUARY, 2019.

**RESOLUTION DESIGNATING THE COORDINATING ENTITY FOR THE LOCAL
DOWNTOWN ASSOCIATE COMMUNITY PROGRAM**

WHEREAS, the City of Graham desires to be selected as a community participating in the Downtown Associate Community program by the NC Main Street and Rural Planning Center; and

WHEREAS, the City of Graham and its Council understands that the North Carolina Department of Commerce, NC Main Street & Rural Planning Center requires that one entity shall be charged by the City with managing and implementing the local Downtown Associate Community program:

NOW, THEREFORE, BE IT RESOLVED that the Graham City Council hereby designates the Downtown Development Coordinator to administer the local Downtown Associate Community program for the City of Graham.

THIS THE 5TH DAY OF FEBRUARY, 2019.

- c. Public Private Partnership (P3) – East Interstate Service Road Development:*
- i. Approve Resolution Adopting Statement of Critical Need on City-Owned Property in the City of Graham, North Carolina*

City Planner Alexa Powell reminded Council that at last month's meeting, she presented Council with an opportunity to enter into a Public Private Partnership (P3). The property identified by staff is the City owned property located on East Interstate Service Road. She added that at last month's meeting, there was a request to hold off on voting on this agenda item as someone expressed the desire to be allowed to submit an offer to purchase the property from the City.

City Manager Frankie Maness advised Council that just this afternoon, he did receive an offer to purchase the property. He added that staff has not had time to fully analyze the offer and is not prepared to make a recommendation to Council. Mr. Maness informed Council that the offer is for \$225,000, which is about \$100,000 less than what the City has invested in the property. Mr. Maness advised Council that researching the offer and proceeding with a P3 Partnership could be worked on concurrently.

Council Members and staff discussed a variety of factors including, but not limited to, request for qualifications, P3 Partnerships in other cities, upfront costs incurred by the City and other projects such as Lidl and the Children's Museum that the City has worked on. With no further comments forthcoming, Mayor Peterman asked if anyone from the audience would like to speak on this matter.

Mr. Gary Renigar of 3600 Spanish Oak Hill Road Snow Camp and Mr. Rick Hurlocker of Saxapahaw stepped forward to address Council. Mr. Renigar informed Council that the purchase offer presented to the City for the property being discussed is on behalf of Mr. Hurlocker. Mr. Hurlocker stated that he appreciates the opportunity, would like to grow his business and own the property the business sits on.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward to express concern with taxpayer money being spent on a building should the City choose to move forward with the P3 Partnership.

Council Members and staff discussed the possibility of an agreement by which the City would subordinate the land. Mayor Pro Tem Kimrey, Council Member Turner and Council Member McClure expressed concern with moving forward with the P3 Partnership without having a specific plan or Request for Qualifications in place before voting. Council Member Wiggins stated that she would like to see Council take some action to pursue what Council may want. Mr. Maness asked Council Members if it would help to see a Request for Qualifications draft. They agreed that it would help.

Mayor Peterman made a motion to not adopt the Resolution Adopting Statement of Critical Need to Enter into a Public-Private Partnership to Develop a Spec Building on City-Owned Property in The City of Graham, North Carolina, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Peterman then charged the staff move forward with the following and provide an update at the March Council meeting:

- Mr. Hurlocker's offer
- Put a draft on the table for the P3 Partnership
- A plan to subordinate the property

Consensus was given by Council.

Recommendations from Planning Board:

- a. **Public Hearing: Woody Signature (CR1803). Request from Brian Wise to rezone property located at 919 and 957 Woody Drive from R-18 to C-R (GPIN 8884821071, 8884825405)***

Assistant City Manager Aaron Holland explained the request and advised that at the request of the applicant, this item was tabled by the Planning Board until their scheduled February meeting.

Mayor Peterman opened the Public Hearing. With no comments forthcoming, Council Member Wiggins made a motion to continue the Public Hearing, seconded by Council Member Turner. All voted in favor of the motion.

Graham Regional Park Universal Playground:

b. Award Contract for the Graham Regional Park Universal Playground Restrooms, Picnic Shelter and Parking Lot Lighting to Stonewall Construction

Recreation Director Brian Faucette explained that the universal playground has been in the plans for this park since day one in some degree. He added that beginning 2016, staff has been involved with a small group of educators from the Alamance Burlington School System who work mainly with children with special needs. From these meetings, this playground has been designed. Late in 2016, the City applied for a Connect NC Bond and in May of 2017, the City was awarded that grant in the amount of \$500,000 to build this playground. Council has set aside an additional \$350,000 for this playground. In December 2018, the City received bids and asks that Council award the contract to Stonewall Construction for this phase of construction.

Following a general discussion between Council and staff, Council Member Wiggins made a motion to award the contract for the Graham Regional Park Universal Playground restrooms, picnic shelter and parking lot lighting, with the sidewalk deduct, to Stonewall Construction of Burlington and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City. 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 2017-2018. Ms. Rhodes 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.

On behalf of the Council, Mayor Peterman expressed his appreciation to Ms. Rhodes, Ms. Loy, Finance Director Sandra King, Tax Collector Sandy Callahan and Mr. Maness for their efforts.

Issues Not on Tonight's Agenda:

Mr. Jason Cooke of 1895 Challenge Drive Graham and Mr. Chris Foust of 1851 South Main Street Graham stepped forward and read a prepared statement on behalf of the majority of the Graham Volunteer Firemen. Mr. Cooke stated that while the majority of this group wanted the new Fire Chief to be a qualified internal candidate, they will continue to do the job they signed up for and will support the incoming chief.

Mr. Whited thanked Council for allowing him to serve the City and recognized them and their predecessors for doing a great job. Council Members took time thanking Mr. Whited for his service.

Mr. Maness introduced Mrs. Julianne Cordon as the City's new Finance Officer.

Council Member Kimrey informed Council that he has received concerns regarding the City's current 30 minute restriction with loading zones. He would like to see staff look into possibly extending the time. Mayor Peterman asked Mr. Maness to look at our Ordinance.

Council Member Wiggins commended Mr. Faucette and Historical Museum Advisory Board Chair Elaine Murrin for securing a \$5,000 grant for the museum.

At 8:29 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, MARCH 5, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 5, 2019, 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
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator
Alexa Powell, City Planner

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Ms. Carol Huntsman of Greater Works Ministry out of Henderson, NC gave the invocation and everyone stood to recite the Pledge of Allegiance. City Manager Frankie Maness introduced one of the new City Attorney's Bryan Coleman. Mr. Coleman and his law partner Mr. Bob Ward are now representing the City.

Consent Agenda:

- a. Approval of Minutes – February 5, 2019 Regular Session*
- b. Approval of Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
MARCH COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
579881	2018	STEWART, STEVE GORDON	BOAT SOLD	23.63

CITY OF GRAHAM REFUNDS				
MARCH COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
579881	2017	STEWART, STEVE GORDON	BOAT SOLD	26.61

- c. *Appoint Russell Compton to the Historical Museum Advisory Board with a term to expire June 30, 2022*
- d. *Appoint Bonnie Hutchinson to the Tree Board with a term to expire June 30, 2020*
- e. *Approve Audit Contract with Stout Stuart McGowen & King, LLP*
- f. *Approve Resolution of Commendation and Appreciation to Officer Todd Land for his service to the City of Graham and Awarding him his Badge and Service Sidearm*



A Resolution of Commendation and Appreciation to Officer Michael Todd Land for His Service to the City of Graham and Awarding Him His Badge and Service Sidearm

WHEREAS, Officer Michael Todd Land diligently served City of Graham Police Department from August 10, 1989, to January 31, 2019; and

WHEREAS, Michael Todd Land retired as a Police Officer from the City of Graham on January 31, 2019, with 29 years 6 months of service; and

WHEREAS, his wisdom, care, dedication in the areas of patrol, training and crime prevention has commanded the utmost respect from his colleagues and peers; and

WHEREAS, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

WHEREAS, G.S. 20-187.2 provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Michael Todd Land for the excellent time and service he had afforded the citizens of Graham and his fellow employees.

NOW, THEREFORE, BE IT RESOLVED by The City County of the City of Graham, North Carolina that: Michael Todd Land be commended for his outstanding public service to the City of Graham.

BE IT FURTHER RESOLVED THAT: The City Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to transfer to Michael Todd Land, the badge worn by him during his service with the Graham Police Department and his service sidearm, a Glock .45 caliber, Model 21, Serial # GFZ489

This the 5th day of March, 2019.

g. Approve Resolution to Amend the Regional Geographic Information System Agreement

**RESOLUTION TO AMEND THE REGIONAL GEOGRAPHIC INFORMATION SYSTEM
(ReGIS) AGREEMENT**

WHEREAS, Part 1 of Article 20 of Chapter 160A of the North Carolina General Statutes authorizes units of local government to enter into contracts or agreements with each other in order to execute joint undertaking; and

WHEREAS, on August 14, 2001, the City of Burlington (hereinafter, "City"), and City of Graham and Town of Elon (hereinafter, "Partners") entered into a Regional Geographic Information System (ReGIS) Agreement; and

WHEREAS, the City and Partners have a continued compelling and mutual interest in developing and maintaining accurate and current electronically-retrievable geographic information about themselves and their extraterritorial planning jurisdictions; and

WHEREAS, the City and Partners recognize that at this time, neither Partner can afford to individually develop and maintain efficiently and effectively, a GIS for themselves; and

WHEREAS, the City and Partners recognize that a regional GIS benefits their citizens by improving the efficiency and effectiveness of local government and enhancing the regional economic competitiveness of the individual municipal corporations; and

WHEREAS, the City and Partners want to ensure continued cooperation and mutual support for a successful and cost effective implementation of GIS-related management information systems,

WHEREAS, the current ReGIS Agreement will expire at the end of the fiscal year 2018-2019; and

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

Section 1: Item 2 of the Regional Geographic Information System (ReGIS) Agreement—"Duration of Agreement"—be amended to extend the agreement through fiscal year 2022-2023.

Section 2: This resolution will take effect upon passage of identical resolutions by all ReGIS Partners.

Adopted this 5th day of March, 2019, by the City Council of the City of Graham, North Carolina.

h. Approve Resolution Authorizing Conveyance of 2004 Ford Crown Victoria to Alamance Community College Pursuant to G.S. 160A-274

**RESOLUTION AUTHORIZING CONVEYANCE OF A 2004 FORD CROWN
VICTORIA TO ALAMANCE COMMUNITY COLLEGE PURSUANT TO G.S. 160A-274**

WHEREAS, the City of Graham owns a 2004 Ford Crown Victoria, Inventory #124, VIN# 2FAHP71W24X169542; and

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Graham has determined that it is in the best interest of the City to convey a 2004 Ford Crown Victoria to Alamance Community College, and deems it wise to do so for no consideration.

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The City of Graham hereby conveys to Alamance Community College the following property: A 2004 Ford Crown Victoria, Inventory #124, VIN# 2FAHP71W24X169542.
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 5th day of March 2019.

- i. Approve Request from Graham United Methodist Church to close the 100 block of East Market Street on Saturday, April 13, 2019 from 9:00 a.m. - 4:00 p.m. for a Community Easter “Egg”stravaganza Event*
- j. Approve Request by Mary Faucette to close the 100 block of West Elm Street on May 18, 2019 from 10:00 a.m. – 8:00 p.m. for the second annual Love Graham event*
- k. Approve Request from Brian Faucette to close the 100 & 200 blocks of West Elm Street on May 4, 2019 from 4:00 p.m. – 11:00 p.m. for the Grown-Up Egg Hunt. Alternative date May 11, 2019*
- l. Approve Request from Brian Faucette to close the 100 blocks of West Elm Street and East Elm Street on June 22, 2019 from 12:00 p.m. – 9:00 p.m. for Slice of Summer. Alternative date June 29, 2019*
- m. Approve Request from Brian Faucette to close the 100 block of East Elm Street on October 25, 2019 from 8:00 a.m. – 10:00 p.m. and the 100 block of West Elm Street from 4:00 p.m. – 10:00 pm. for the Pumpkin Bash. Alternative date November 1, 2019*
- n. Approve Request from Brian Faucette to close the 100 block of West Elm Street from 5:00 p.m. – 11:30 p.m. on May 23rd, June 27th, July 25th, August 22nd, September 12th and September 26th for the 2019 Thursday at Seven Concert Series. Alternative dates for 2019 - May 28, 30; June 4, 6, 11, 13, 18, 20, 25; July 2, 9, 11, 16, 18, 23, 30; August 1, 6, 8, 13, 15, 20, 27, 29; September 3, 5, 10, 17, 19, 24; October 1, 3, 8, 10*

Mayor Peterman informed Council Members that he would like to pull item “j” from the Consent Agenda and asked the other Council Members if they would like to pull any of the items. Mayor Pro Tem Lee Kimrey asked to pull item “g”.

Mayor Pro Tem Kimrey asked Mr. Maness about the increased cost and cost sharing in general for this agreement. Mr. Maness stated that while the cost of the agreement has increased, so has the City’s reliance on the GIS system. With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “g” on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Mayor Peterman invited Downtown Development Coordinator Mary Faucette to speak about item “j” on the Consent Agenda. Mrs. Faucette advised that there had been a change in the original request. She asked Council for approval to close the 100 block of East Elm Street instead of the 100 block of West Elm Street. Following a brief discussion between Council Members and staff, Mayor Peterman made a motion to approve item “j” on the Consent Agenda, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Council Member Melody Wiggins made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f”, “h”, “i”, “k”, “l”, “m” and “n” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Old Business:

- a. Public Private Partnership (P3) – East Interstate Service Road Development:*
 - *Consider options to proceed*

City Planner Alexa Powell advised that the City had received an additional offer to purchase this property in addition to the one presented to Council at last month’s meeting.

Mr. Maness informed Council that the most recent offer was for \$240,000 and exceeds the offer of \$225,000 which included stipulations previously received. Mr. Maness added that both offers are below what the City paid for the property and the price determined by a market analysis performed three to four years ago. He stated that State Constitution requires us to receive adequate compensation for real property sold. Mr. Coleman informed Council that anything sold below fair market value may be considered a gift. He recommended that Council not accept any offer until the City has an appraisal done on the property and fair market value is determined.

Council Members and staff spent time discussing the State Constitution, what fair market value is and who determines it, the current assessed value of the property and property which contains unbuildable acreage.

Mr. Gary Reniger of Keller Williams Realty and Mr. Richard Hurlocker stepped forward to address Council. Mr. Reniger advised that he is representing the Hurlocker family, who submitted the \$225,000 offer to purchase. He stated that it would be nice to keep a local company in town and support local folks.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and expressed concern with not moving forward on the acceptance of an offer of \$240,000 and the expense of having an appraisal done.

Mr. Tom Boney of the Alamance News located at 114 West Elm Street Graham stepped forward and asked Mr. Maness who the second offer is from. Mr. Maness stated it was from Martin Properties. Mr. Boney stated his belief that Council can sell the property under fair market value if they so choose and it would comply with the State Constitution.

Mayor Pro Tem Kimrey asked Mr. Maness to go over the other options Council was asked to consider. Mr. Maness stated that generally you would want to have some intent behind whichever process is chosen. The upset bid process is one option with the other two being do nothing at all or further investigate the Public Private Partnership as previously presented by staff. Mr. Maness added that one option not discussed would be if there would be an option for the City to use the property. Following a brief discussion about the various options, Mayor Pro Tem Kimrey made a motion to approve the Resolution Authorizing Sale and Upset Bid Process for Property on East Interstate Service Road, as well as initiating an appraisal of the property. Council Member Wiggins seconded the motion and all voted in favor of the motion.

RESOLUTION AUTHORIZING SALE AND UPSET BID PROCESS FOR PROPERTY ON E. INTERSTATE SERVICE ROAD

WHEREAS, the City of Graham ("City") owns certain real property located E. Interstate Service Road, which is more particularly described as GPIN #8884402904, Parcel ID: 146703 (the "Property");

WHEREAS, North Carolina General Statute § 160A-269 permits the City to sell property by upset bid, after receipt of an offer to purchase property; and

WHEREAS, the City received an offer from Martin Properties ACNC, LLC ("Martin Properties") to purchase the Property from the City for the amount of \$240,000; and

WHEREAS, The Privileges and Emoluments Clause of the State Constitution requires that a government receive adequate consideration when it conveys property.

THEREFORE, THE CITY COUNCIL OF THE CITY OF GRAHAM RESOLVES THAT:

1. The City Council authorizes sale of the Property in accordance with the offer made by Martin Properties subject to the upset bid procedure provided in North Carolina General Statute § 160A-269.
2. The City Clerk, shall cause a notice of the proposed sale to be published. The notice shall describe the Property and the amount of the offer, and shall state the terms under which the offer may be upset.
3. Persons wishing to upset the offer that has been received shall submit a sealed bid with their offer to the City Clerk within 10 days after the notice of sale is published. At the conclusion of the 10-day period, the City Clerk shall open the bids if any, and the highest such bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.
4. Martin Properties shall provide the City Clerk with a deposit in the amount of \$12,000.00, which may be made in cash, cashier's check, certified check or surety bid bond.
5. If a qualifying higher upset bid is received, the City Clerk shall cause a new notice of upset bid to be published, and shall continue to do so until a 10-day period has passed without any qualifying upset bid having been received.
6. To be a qualifying higher bid, an upset bid must raise the existing offer (or subsequent higher upset bid) by not less than ten percent (10%) of the first \$1,000.00 of that offer and five percent (5%) of the remainder of that offer.
7. A qualifying higher bid must also be accompanied by a deposit in the amount of five percent (5%) of the bid. The deposit may be made in cash, cashier's check, certified check or surety bid bond. The City will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The City will credit the deposit of the final high bidder at closing.
8. The terms of the final sale are that:
 - a. The City Council must approve the final high bidder offer before the sale is closed, which it will do at the next regular meeting after the final upset bid period has passed; and
 - b. Bidders shall not attach any conditions to their bids.
 - c. The buyer must pay with cash at the time of closing.
9. The City reserves the right to withdraw the Property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Adopted this 5th day of March 2019.

b. Public Hearing: Woody Signature (CR1803). Request from Brian Wise to rezone property located at 919 and 957 Woody Drive from R-18 to C-R (GPIN 8884821071, 8884825405)

Planning Director Nathan Page explained this is a request to rezone the subject property from R-18 to C-R, with a proposed use classified as Dwelling, Multi-Family. He added that the project will include apartment buildings with up to 264 residential units as well as up to 28 townhome units. Amenities including a clubhouse, office and pool are also included. The developer is requesting alternative compliance for building spacing as shown on the preliminary site plan. He further added that while outside of the Highway 54 Overlay District, the developer is proposing a mix of surfaces including brick and/or hardiplank or similar composite product. Approval of the project as requested would not permit vinyl construction at this location. Access to the site will be provided via Woody Drive and Whittemore Road. Mr. Page advised that the Planning Board's vote was tied 3-3 and made no recommendation. He informed Council that after the Planning Board meeting, there were additional pieces submitted, one being a landscaping plan showing the proposed residential buffers around the project. The other piece submitted, after the agenda packet had been sent out, is a site plan showing the relocation of the townhomes. Staff has since recommended two additional conditions be considered with approval: The landscaping shown on the concept plan by Deborah Brown on February 12, 2019 be adhered to; The structures and layout as shown on the sketch plan by CPT Engineering with revisions through March 4, 2019 be adhered to.

Following a general discussion between Council Members and staff, Mayor Peterman opened the Public Hearing. Mr. Brian Wise of 7010 Cross Hook Court Summerfield, the applicant for this project, stepped forward to address the Council. Mr. Wise stated that his group identified this property a few years ago and that it is his belief that this project is a fit for this area based on The Graham 2035 Comprehensive Plan. Mr. Wise added that they now plan to build a 3,000-5,000 square foot commercial building that will be flexible in use.

Mr. Joshua Reinke, 5808 Faringdon Place Raleigh stepped forward to address Council. His firm, Ramey & Associates, performed the Traffic Impact Analysis. He stated that traffic signal timings are something he is requesting be looked at.

Mayor Peterman disclosed that he has a family member who lives in the area of this proposed project, but believes that it does not influence him being able to do his job. Consensus was given that he would not have to recuse himself.

The following individuals expressed concern with this project:

Mr. Sam Holt, 116 Camelot Ln. Graham	Mr. Gary Eichmann, 100 Joe Ct. Graham
Mr. Richard Ramos, 1196 Valley Dr. Graham	Mrs. Dianne Ramos, 1196 Valley Dr. Graham
Ms. Kimberly Gardner, 1037 Noah Rd. Graham	Ms. Janice McSherry, 1047 Valley Dr. Graham
Mr. Billy Carter, 1114 Arthur Dr. Graham	Mr. Mike Hall, 1112 Castle Dr. Graham
Ms. Janemarie Baker, 927 Whittemore Rd. Graham	
Ms. Emmanuela Sulecki, 309 Granville Dr. Greenville	

Mr. Travers Webb of 619 East Harden Street Graham spoke in favor of the project. Mrs. Talley asked about the previous request for multi-family at this location. Mrs. Jeanne Neal of 967 Woody Drive Graham expressed concern about the project while praising Signature Properties for their willingness to address concerns of the area residents.

Mr. Bill O'Quinn of 100 Europa Drive Chapel Hill and Ms. Heather Smith of 918 Jill Drive Graham spoke on behalf of the current owners of the property. Mr. O'Quinn has been responsible for marketing this property and Ms. Smith's family owns the property. Both asked Council to approve this request.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Council Members and staff addressed some of the resident's concerns. Mayor Pro Tem Kimrey asked staff about storm water runoff and infrastructure. Mayor Peterman addressed concerns about fire safety. Council Member McClure, who advised that he and his family live at Watercourse now, stated that he isn't overly worried about traffic, crime or flooding. He did however express concern with the City's long term planning and the overall arc of development and how heavily invested we have been with multi-family developments. Council Member Wiggins stated that she believes its Council's responsibility to get the best option for this property. Council Member Turner echoed Council Member McClure's concern about the heavy concentration of multi-family units being developed.

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

- A final site plan must be approved by the Technical Review Committee (TRC) prior to the issuance of any multi-family building permits.

- A TRC approved sidewalk connection to Highway 54 shall be installed or bonded to be completed after NCDOT enlargement of the culvert on Woody Drive.
- The landscaping shown on the concept plan by Deborah Brown on February 12, 2019 be adhered to.
- The structures and layout as shown on the sketch plan by CPT Engineering with revisions through March 4th, 2019 be adhered to.
- A 5 foot high fence towards Noah Road on the north of the property replace the current proposed fence; and

The application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: It gives a true mixed use in a commercial mixed use district. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Mayor Peterman. Nays: Council Member McClure and Council Member Turner. Motion carried 3:2.

Recommendations from Planning Board:

- a. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)*

Mr. Coleman 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. Mayor Peterman opened the Quasi-Judicial Public Hearing and City Clerk Darcy Sperry swore in Mr. Maness, Mr. Page, Mr. Chuck Talley, Mrs. Jennifer Talley, Mr. Chad Huffines and Mr. Ryan Moffitt.

Mr. Coleman instructed Mayor Peterman to poll the Council for any conflicts with this particular item. Mayor Peterman polled the Council. Mayor Peterman disclosed that he has spoken to Mr. Talley about this project while Council Member Wiggins disclosed that she attended the Planning Board meeting where this item was discussed. By consensus, Council Members saw no reason either should be recused.

Mr. Page explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court. The property is currently vacant. Properties zoned Industrial are required by the Development Ordinance to apply for a Special Use permit to allow the use of Commercial Campground. He further stated that the Planning Board has recommended approval. There is one condition that was changed after the agenda packet was sent out. The old language read as follows:

- Any wastewater facilities shall be flood-proofed at least 2' above the 100 year flood level.

The new proposed language reads as follows:

- Sanitary sewer connections shall be designed, maintained, and operated to prevent intrusion in the event of a flood, with design parameters as determined and approved by the City of Graham Utility Director.

With guidance from the State, Ms. Mann stated that all sewer services must be equipped with an automatic check valve that the RV quick-connect will open automatically and with the following restrictions:

- a. O&M Agreement through the pretreatment program where they provide documentation that the check valves are functional.
- b. The check valve would need to be sufficient to withstand flood water pressure.
- c. The check valve would only be activated by an actual service connection.
- d. The check valve is to be reviewed and approved by City of Graham Water Resources Department.
- e. The connection would be sealed when a connection is made (i.e. if a flood happens while a sewer hose is connected to it).
- f. The sewer services are to be tied to a private sewer line that will connect to the public line. The private sewer line will need to be either a 6" or an 8" line that comes into a manhole.

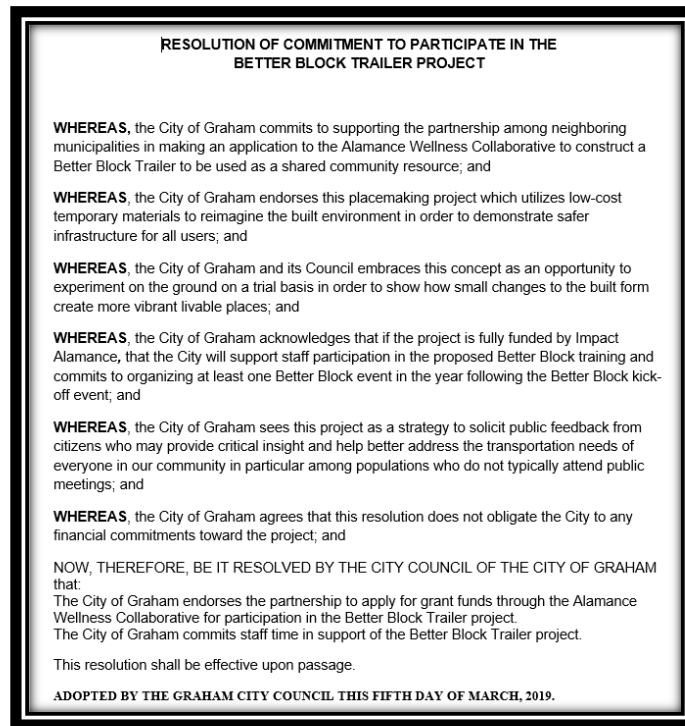
Following a brief discussion between Council Members and staff, Mr. Talley stepped forward to address Council. He asked Council to table this item until next month, so as to allow time to work out some of the details. Mayor Pro Tem Kimrey made a motion to continue this Quasi-Judicial Public Hearing until April 2, 2019, seconded by Council Member Wiggins. All voted in favor of the motion.

Better Block Trailer:

a. Adopt Resolution of Commitment

City Planner Alexa Powell explained that inspired by Mark Fenton's workshop, the Better Block trailer would be a shared resource to help reimagine our built environment. She added that this innovative place making initiative aims to create safer infrastructure for people of all ages and abilities. The City of Graham has partnered with the City of Mebane, the Town of Green Level, and the Piedmont Triad Regional Council (PTRC) to develop this grant proposal for funding to facilitate purchasing these materials through the Alamance Wellness Collaborative Healthy Communities Grant. Ms. Powell concluded by stating that there is no contribution of funds being asked of the Council at this time.

A general discussion ensued. Some of the details discussed pertained to costs, material replenishment and trailer utilization options. Mayor Peterman stated he did not see the value. Ms. Powell advised that this would be a way to see if something is going to work before spending money. Council Member Wiggins made a motion to adopt the Resolution of Commitment to support the Better Block Trailer project, seconded by Council Member McClure. Ayes: Council Member Wiggins, Council Member McClure, Council Member Turner and Mayor Pro Tem Kimrey. Nays: Mayor Peterman. Motion carried 4:1.



Issues Not on Tonight's Agenda:

Ms. Emily Sutton of 2602 Saxapahaw Bethlehem Church Road Graham stepped forward and expressed concern with the Mountain Valley Pipeline Southgate proposal. Since she spoke to Council last, the Alamance County Commissioners have signed a resolution not supporting this project and would like for this Council to do the same. Council Member McClure stated that he has spoken with Ms. Sutton and would like to put together an independent group to further research this issue and bring something back to Council.

Mr. Page advised that there was a great turnout for the Small Area Plan and that the Toole Design folks will be back the first week of April.

Council Member McClure inquired about the line item included in this year's budget for compiling a brand kit to achieve uniformity with our logo. He advised that he will be working with staff on this and welcomes any input from his fellow Council Members.

Council Member Turner welcomed Mr. Coleman to the City.

Mayor Pro Tem Kimrey asked Mr. Maness for an update to his question from last month with regards to loading zone times. Mr. Maness advised that staff would prefer to wait until the Small Area Plan is done before changing anything. He admitted that there is inconsistency with what is on the ground and what is codified.

At 9:58 p.m. Council Member McClure 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
THURSDAY, MARCH 14, 2019
8:30 A.M.**

The City Council of the City of Graham met in special session at 8:30 a.m. on Thursday, March 14, 2019, at the Impact Alamance Conference Center located at 133 East Davis Street, Burlington N.C.

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
Tommy Cole, Fire Chief
Tonya Mann, Utilities Director
Burke Robertson, Public Works Director
Brian Faucette, Recreation & Parks Director
Julianne Cordon, Finance Officer
Mary Faucette, Downtown Development Coordinator
Jeff Wilson, Information Technology Systems Mgr.

Mayor Jerry Peterman called the meeting to order and presided at 8:32 a.m. Impact Alamance Program Director Marcy Green welcomed everyone and briefly spoke about resources available to the community.

Fiscal Year 2018-2019 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 2018-2019 Budget and various projects underway. He stated that generally speaking, our budget numbers are progressing as expected or better than expected in some cases. He added 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 2019-2020

Mr. Maness advised that the real property tax base has increased and the Consumer Price Index (CPI) is at 1.9%. Mr. Maness referenced growing pains, leadership succession, Census 2020, increasing retirement contributions, recent market volatility, Small Area Plan recommendations, Recreation Master Plan recommendations, capital projects, weather and project queuing, bull or bear economy and the Wastewater Treatment Plant Study as contributing factors when putting together the 2019-2020 Budget.

Discussion of 2019-2024 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 2020-2024 Capital Improvement Plan summary draft.

Discussion of 2019-2020 Budget with Department Heads

Mr. Holland spoke on behalf of the Information Technology Department, highlighting computer replacements, the Downtown Wi-Fi project, City backup device hardware replacement, City phone system replacement and VM replacement as CIP projects requested.

Police Chief Jeff Prichard informed Council Members that his CIP request for the upcoming year is to have the record room remodeled at the Police Department. Additionally, he is requesting four new officers. He expressed great concern for safety for his department and noted that there has not been an increase in personnel to the patrol shift since 1999.

Fire Chief Tommy Cole identified a satellite station/training facility, fire station renovations, cascade air system replacement, a command sport utility vehicle and turnout gear as his department's CIP requests for this upcoming budget.

Information Technology Systems Manager Jeff Wilson joined the meeting and spent time answering Council's questions about the request for downtown Wi-Fi, as well as discussing the need for additional personnel in his department. He informed Council that approximately 70-80% of his department's time is spent in the Police Department.

Mr. Holland spoke on behalf of the Inspections and Planning & Zoning Departments. He stated that the Planning Department is requesting a Development Ordinance rewrite in the upcoming budget.

Without objection, Mayor Peterman recessed the meeting at 11:30 a.m. for lunch and at 12:38 p.m. reconvened the meeting.

Public Works Director Burke Robertson identified the Marshall, Travora, Pomeroy Storm Drain Project, 4x4 pickup truck replacement, track loader replacement, Truby Drive repair design, SUV replacement, pedestrian sidewalks, street resurfacing, Accubatch brine maker. Elm and Maple municipal parking lot, tandem dump truck and Public Works asphalt repair and resurface as the Streets & Highways Department requests in the upcoming budget. He identified a 3500 4WD extended cab service body truck, bucket truck, Graham Memorial paving, track skid steer, metal carport and a zero turn mower as requests from the Property Maintenance division of Public Works. Mr. Maness and Mr. Robertson pointed out that for the first time ever, we achieved paving four miles this past year – the minimum to keep with the paving schedule. Mr. Robertson and staff spoke of the garbage situation in the downtown area and the need to either remove or relocate the Planet Aid receptacles located in a couple of the City's parking lots. He spoke of the need for more personnel as the demand on his department continues to grow.

Recreation and Parks Director Brian Faucette addressed the Recreation Department's need for multi-purpose fields, Graham Regional mountain/hiking trail, Maple St. Center renovations, Alamance Arts electrical projects, Alamance Arts garden renovation, 14-passenger mini bus, power operated goals at the Recreation Center, crowd control barriers and the installation of a water line at the Graham Regional Park. Mr. Faucette identified a warden boat and site master plan as needs for the Graham-Mebane Lake.

When speaking on behalf of the Athletic Facilities Department, Mr. Faucette stated his upcoming CIP requests include parking lot and track repaving at Cooke Park, park signs replacement, Recreation Center playground and South Graham Park restroom renovations. Council Member Melody Wiggins expressed her desire to see the door locks at the Recreation Center and Civic Center updated as soon as possible, stating employee safety needs to come first. Mr. Faucette advised that that is something that can be handled internally within the Recreation budget.

Utilities Director Tonya Mann identified the Water & Sewer Distribution Department's need for the Ardmore Street line renewal, chemical root control, manhole rehab, Montree Lane water line renewal, main line sewer replacement camera, risk and resilience assessment, sewer main cured in place pipe lining and unidirectional flushing engineered replacement. She advised that the Maintenance & Lift Stations Department will be asking for Old Fields Outfall project phase 1 & 2, a service truck and trailer and sewer bypass hoses. Ms. Mann informed Council that requests for the Water Treatment Plant will include filter 3-4 influent valves, filter rebuild, raw water 4 VFD, and resurfacing the Water Plant's driveway.

She stated the Wastewater Treatment Plant requests include a primary scum pump, sludge mixer pump, deionized water system, vacuum pump, administration and maintenance building roofs, pump house roofs, mechanical bar screen, influent grit pump and base, nutrient monitoring equipment, operator's vehicle, #3 secondary clarifier, electrical conduit replacement and transport pump on the transport truck.

Downtown Development Coordinator Mary Faucette gave Council Members an overview of what is happening in the Downtown area. She updated them on the Small Area Plan currently being done by the Toole Design Group. Mrs. Faucette spoke of possible incentives with our wayfinding project, speaking with Duke Energy in the future about possibly changing out the light poles in the downtown area. She asked Council to look towards branding in the future.

Following a brief discussion about the various items presented, Council Member Chip Turner made a motion to adjourn at 2:40 p.m., seconded by Council Member Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
THURSDAY, APRIL 2, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 2, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

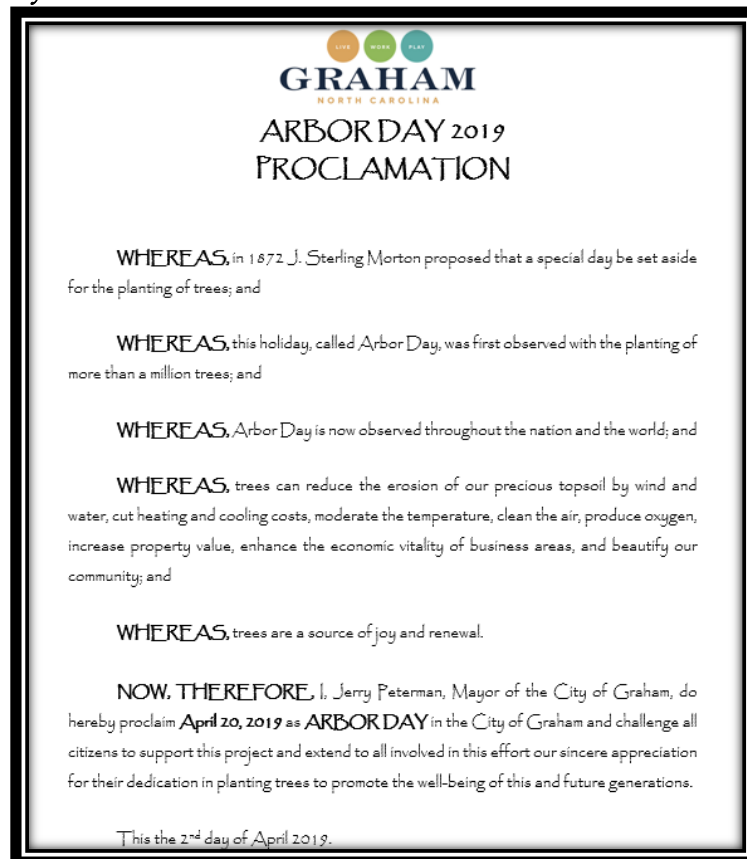
Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Alexa Powell, City Planner

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

Consent Agenda:

- a. *Approve Minutes – March 5, 2019 Regular Session*
- b. *Approve Minutes – March 14, 2019 Special Session*
- c. *Approve Arbor Day Proclamation*



- d. Approve Request from North Graham Baptist Church to close off the 300 block of West Whitsett Street on Saturday, April 27, 2019 from 8:00 a.m. – 3:00 p.m. for a Community Block Party, pending receipt of a certificate of insurance listing the City of Graham as additional insured prior to the event*

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

Old Business:

a. East Interstate Service Road Property Update

City Manager Frankie Maness reminded Council that at last month's meeting, Council decided to initiate the upset bid process and ordered an appraisal for this property. He informed Council Members that the appraisal is complete. The estimated value from the appraiser is \$266,000. Mr. Maness advised that the City did receive a qualifying upset bid in the amount of \$252,050. This requires the process be repeated until no additional qualifying offers are presented.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the discussion to the floor.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and asked for clarification of the current offer's net to the City.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and stated that it was her understanding that the upset bid would not start until the appraisal had been done.

With no further comments forthcoming, Mayor Peterman move on to the next agenda item.

b. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)

Mayor Peterman reminded everyone that this Quasi-Judicial Public Hearing was continued from last month. Planning Director Nathan Page explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court.

Mr. Talley stepped forward and informed Council that after meeting with City staff, there are still some details that need to be worked out and he asked the Council for another 30 days.

Mayor Peterman made a motion to postpone this until next month, seconded by Council Member Turner. All voted in favor of the motion.

Recommendations from Planning Board:

a. Public Hearing: Feather Flags (AM1901). Application by Richard Shevlin to permit feather flags within the City of Graham

Mr. Page explained that there was an application by Richard Shevlin to permit feather flags within the City of Graham. He informed Council of the various proposed language options included in the agenda packet. Mr. Page stated that the Planning Board recommends approval with their proposed language.

Council Members and staff briefly discussed what, if any control in the overlay and historic districts, size limitations and the City's current ordinance which has an avenue in place where one can submit a request for permission from the City Manager for the use of signs that may be prohibited by our ordinance. Also discussed was how this proposed language would affect a unified business development. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Richard Shevlin of 510 Wildwood Lane Graham stepped forward and informed the Council that he owns a business at 909 Washington Street Graham which currently houses three businesses. He stated that when one turns the corner from Providence Road onto Washington Street, you have about six seconds to notice the driveway into his building. He added that without flags, he doesn't know how anyone would see his driveway. Mr. Shevlin fielded general questions from Council Members.

Mrs. Talley stepped forward and spoke in favor of this text amendment. She spoke of the pressure business owners are under to get brands advertised. She also pointed out that the City puts banners up advertising various events.

Mr. Tom Boney of the Alamance News asked what current signs at Mr. Shevlin's property are not in compliance. Mr. Page stated that there are currently four monument signs of one sort or another as well as free standing signs that are not permitted. Mr. Page advised what the current ordinance does permit.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward to address Council. Mr. Hall, Chairman of the Planning Board, asked Council to adopt the Planning Board's recommendations.

Mr. Talley stepped forward and stated that while he knows they don't have anything in writing, the former City Manager gave him permission to use banners. He stated his support for flags.

Mrs. Talley returned to the podium to pass out copies of advertising signage and to continue lobbying for this amendment. Mrs. Talley stated that at the time the current ordinance was done, it was never supposed to affect them and they were told it was never going to affect them. Mayor Peterman reminded Mrs. Talley that she was on the Council when the current ordinance was adopted. Mrs. Talley responded that existing businesses were to be grandfathered in.

Mayor Pro Tem Lee Kimrey asked staff how is it that a non-conforming site element that is temporary in nature ever be grandfathered in. Mr. Page advised that he is not aware of any interpretation where that would be the case. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed in length amongst themselves the difficulty of regulating signs of this nature. Also discussed were concerns about location of flags and possibly more attractive landscaping and permanent signage being more beneficial to business. Council Member Turner stated that he would like to see something brought back to Council that would benefit all business. Mayor Peterman expressed concern with the City being allowed to do something others cannot do and stated that he has always been concerned with our current concert series signs. Council Member McClure stated that the City breaks its own rules every day, noting speeding police vehicles and fire trucks, but it is for communal good.

Council Member McClure made a motion that the text amendment be denied and that the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the motion. Ayes: Council Member McClure, Council Member Wiggins, Council Member Turner and Mayor Pro Tem Kimrey. Nays: Mayor Peterman. Motion carried 4:1.

Downtown Small Area Plan Update – Toole Design Group:

Mr. Jared Draper of 1119 East Martin Street Raleigh and Mr. Chris Lambka of 262 East Autumn Ridge Road Spartanburg, South Carolina spoke on behalf of the Toole Design Group. They summarized who they are and why they are here. Mr. Lambka stated that they are currently looking at not just the downtown area, but also the corridors leading into downtown. He mentioned that they are looking at ways to possibly remove some of the 18-wheeler traffic from the downtown area and making it a more pedestrian friendly environment. Mr. Lambka went on to speak about the public survey work they have been doing. He informed Council that they have held ten stakeholder group meetings over the past couple of months. He added that Graham is a happening place and they want to push Graham forward and build upon the economic development Graham is already doing. He did inform Council that there are going to be changes they recommend.

Mr. Draper advised that they are doing some designing this week, but that nothing is set in stone. He invited everyone to stop by and look at the design concepts they are actively working on. He added that some of the possible changes being looked at revolve around stormwater and utilities. Also being looked at is public space, green space, parking, furniture amenities, understanding some of the pedestrian crossings and safety as well as the multi-modal access throughout the downtown and corridor areas.

Council Members took turns asking both gentlemen about the surveyors who have been downtown, stormwater management, parking and defining the downtown area. Following this question and answer period, Mayor Peterman opened the discussion to the floor.

Mr. Boney stepped forward to express concern with the reports he is hearing in terms of the parking recommendations. He stated that he is hearing that the plan calls for the elimination of parking spaces in downtown. Mr. Draper stated that there are several options being looked at and there may be some parking spaces eliminated and nothing is written into stone at this time.

Council Members assured everyone that this is in the planning stages and nothing has been finalized at this time. They reminded everyone that this is the public input section of this plan design. The elimination of some parking is most likely going to happen to help with the City's stormwater and utilities in the downtown area. We have to fix the aging water and sewer situation in the downtown area before we can think of growing. If the City wants to have a say in the future NCDOT paving project that will encompass the downtown area, this plan is required.

Mrs. Talley stepped forward and echoed Mr. Boney's concern about parking.

Ms. Sherrie Pate of Ivey Road Graham stepped forward and said she has appreciated being able to be involved with City staff and Toole Design by attending the free work sessions that have been put on for the public. She asked Council to consider making downtown friendly for everyone and not just business owners.

With no further comments forthcoming, Mayor Peterman encouraged everyone to go look at the designs tomorrow.

Historic Resources Commission Annual Update:

City Planner Alexa Powell and Historic Resources Commission (HRC) Chairman Cary Worthy presented Council with an overview of what the Commission has accomplished this past year and highlighted their upcoming goals. They reviewed the Certificate of Appropriateness Applications, gave an update of the Façade Grants, HRC members and staff training and their desire to someday achieving Certified Local Government (CLG) status for its local preservation commission activities.

Council Members applauded the efforts by all HRC members and asked Ms. Powell and Mr. Worthy to relay a job well done to all members.

Issues Not on Tonight's Agenda:

Ms. Janet Ecklebarger of 2872 Nereus Drive Mebane expressed concern for two historic buildings that were recently torn down within the past couple of years. She asked Council to come up with a way to preserve materials that are currently going to the landfill.

Downtown Development Coordinator Mary Faucette informed Council that she and Ms. Powell had recently attended the Main Street Conference. Mrs. Faucette and Mayor Peterman spoke about a project involving the original Oneida Mill houses. Brief discussion ensued about the potential project rehabbing these old mill houses. Referencing Mrs. Ecklebarger's concerns, Mr. Page advised that staff may be able to come up with a pamphlet that lists the benefits of salvaging material and a few names of organizations that may be willing to buy or remove material at no cost to the home owner and/or demolition contractor. Consensus was given by Council to have staff come up with a pamphlet.

Council Member Wiggins informed Council that there will be a ribbon cutting ceremony at 4:00 p.m. on May 9, 2019 at the Graham Historical Museum. She also asked Council for consensus to study all boards and commissions appointments terms and how we appoint. Consensus was given.

Council Member McClure reported on the Mountain Valley Pipeline Southgate Project. After many conversations with various local and state officials and much research on the project, he stated that he does not feel that the Graham City Council has to follow in the footsteps of the Alamance County Commissioners and take action against this project. A general discussion ensued between Council Members and staff.

Mayor Peterman introduced Officer Daniel Sisk from the Graham Police Department.

At 9:02 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, MAY 7, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 7, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

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

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. Approve Minutes – April 2, 2019 Regular Session*
- b. Approve Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
MAY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
536340	2018	PORTER, WILLIS INC	BUSINESS MOVED TO FLORIDA	10.74

CITY OF GRAHAM REFUNDS				
MAY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
181428	2017	SHEVLIN, RICHARD	SOLD JET SKI	1.46
181428	2018	SHEVLIN, RICHARD	SOLD JET SKI	1.38

- c. Approve Amending the Traffic Schedule to reflect the addition of a stop sign at the intersections of Ward Street and McBride Street as well as Providence Road and Oakley Street*
- d. Approve Public Private Parking Lease Agreement with Graham Presbyterian Church*
- e. Approve Request from Bryan Hagood to close the north and south side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building on May 27, 2019 from 9:30 a.m. to 1:00 p.m. for the Annual Memorial Day Ceremony*

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 “c” while Council Member Melody Wiggins asked to pull item “d”.

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

Mayor Pro Tem Kimrey inquired about the proposed stop signs at the intersection of Ward Street & McBride Street. He made mention of these proposed signs being located about 300 feet from an existing four way stop intersection. Police Lieutenant Duane Flood advised this proposed signage will make this a three way stop and the hope is it will slow drivers down.

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.

Council Member Wiggins pointed out a discrepancy between what was included in the agreement versus what the on-site signage reads. The agreement states parking is available Monday - Saturday, however the sign at the location says Monday – Friday. Staff advised that the sign will be changed to reflect what is in the agreement. Mayor Pro Tem Kimrey asked staff who maintains the parking lot and who makes the decision as to when repairs may be needed. Staff advised that the Public Works Department is responsible for maintenance and repairs.

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

Old Business:

- a. East Interstate Service Road Property:*
 - i. Accept offer to purchase of \$264,703 submitted by Martin Properties ACNC, LLC for surplus property*

City Manager Frankie Maness explained that the City conducted an upset bid process and the process had concluded for this surplus property on East Interstate Service Road. He informed Council that the prevailing bid was for \$264, 703 and that staff recommends acceptance of this offer.

Following a brief discussion between staff and Council with regards to this property’s assessed value of \$250,000, Council Member McClure made a motion to accept the offer of \$264,703 submitted by Martin Properties ACNC, LLC for surplus City property on East Interstate Service Road, more particularly described as GPIN #8884402904, Parcel ID: 146703 and authorize the City Manager, City Attorney and City Clerk to effectuate the sale. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)

Mayor Peterman reminded everyone that this Quasi-Judicial Public Hearing was continued from last month. Planning Director Nathan Page explained that the applicant had been in contact with staff but that there had not been sufficient time for staff to review the operation and maintenance agreement put forth by the developer. After consulting with the developer, staff recommends Council continue this until next month's meeting.

Council Member McClure asked for confirmation that this was the third month we have continued this item. Mayor Peterman confirmed.

Mayor Peterman opened the Quasi-Judicial Public Hearing and without any comment forthcoming, closed the Quasi-Judicial Public Hearing. Mayor Pro Tem Kimrey made a motion to continue this hearing until June 4, 2019, seconded by Council Member McClure. All voted in favor of the motion.

Requests & Petitions from Citizens:

a. Request from Jason Cox for Consideration of a City Sponsored Life Safety Improvements Program

Mr. Jason Cox of 200 North Main Street stepped forward to address the Council. He stated that he believes there is significant need for a City program to address fire protection systems and elevators. It is his opinion that higher uses of existing buildings downtown will continue to be prevented without meaningful investments to address these key needs.

Council Members and Mr. Cox briefly discussed some sort of program that would offer an incentive to accommodate an up fit to a building in the downtown area. Mentioned might be City provided water and sewer taps. Council Member McClure wants to make sure that if the City does decide to move forward with developing a program, it has a level of transparency.

Downtown Development Coordinator Mary Faucette stepped forward to inform Council that she has been researching the Downtown Associate Community Program. Through this research she has found that there are already established incentive programs throughout the state that we can carbon copy. Mrs. Faucette added that she believes that such a program would be a great benefit to our City. Council Members asked Mrs. Faucette if there was any one program she favored. Mrs. Faucette stated she like the City of Salisbury's program and went on to highlight some of the elements of that program.

Mr. Tom Boney of the Alamance News stepped forward and expressed concern that incentives aren't offered equally throughout the City. City Manager Frankie Maness explained that this is more than economic development. He advised that fire prevention/safety is equally, if not more important to the City.

With no further comments forthcoming, Mayor Peterman asked for consensus to have staff look into this further and bring back a proposal for Council to consider. Consensus was given.

Recommendations from Planning Board:

- a. ***Public Hearing: Lacy Acres (RZ1901). Request by Penny Sekadlo to rezone property located on Chartwell Lane and Stonehaven Drive from R-18 to R-9 (GPIN 8872465865, 8872469418, 8872562422)***

Mr. Page 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.

Council Members and staff briefly discussed the recorded Valleyfield and Woodshire Estates subdivision site plans and the number of dedicated public right-of-ways on those recorded documents. Mr. Page advised that there are five recorded dedicated public right-of-ways that give access to adjacent property. This proposed rezoning would use one of the five to give access to this property being considered for rezoning. Mr. Page was asked to explain what R-12 with open space means. He explained that Valleyfield is zoned R-12 with open space and that allows for lots to be a minimum of 10,000 square feet instead of the 12,000 square feet that R-12 requires as long as there is preserved open space. He added that the majority of lots in Valleyfield do not meet R-12 zoning. The width for the lots being proposed with this rezoning and subsequent subdivision request would be the same as the majority of lots in Valleyfield.

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

Mr. Garrick Sevilla of 3700 Lychan Parkway Durham, Mrs. Carla Sevilla of 1015 Pinehurst Drive Chapel Hill and Ms. Penny Sekaldo of 9220 Fairbanks Drive Raleigh stepped forward to address Council. Mr. Seville identified himself as the attorney for this proposal. He informed Council that the Planning Board did not provide a reason for denial, yet he believed this proposal does follow the City's Comprehensive Plan. He advised that Glenwood Homes accepted feedback from neighboring residents. Taking into consideration the concerns voiced, his group went back to the drawing board and came up with an alternative plan, R-12 with open space. Mr. Sevilla asked Council to approve the application as presented and/or rezoning it to the alternative R-12. He further asked that his group have the opportunity to come back to Council with a revised R-12 subdivision plan should Council feel that R-12 would be appropriate for this property.

Council Members asked about linear feet for roadways being proposed, who would be responsible for damage to existing roadways during the construction phase, proposed open space and buffer area with the R-12 plan. Ms. Sekaldo advised that the linear feet of roadway proposed for R-9 is approximately 7,000 linear feet and with R-12 zoning it would be approximately 6,000 linear feet. Additionally, she advised that in her experience as an engineer, all contractors repair damage that they do to roads. Ms. Sekaldo advised that the R-12 request included 15 of the 57 acres would be open space, amounting to approximately 26%. She added that there is a 30 foot buffer being proposed to back up to the Valleyfield subdivision.

Council Member Wiggins asked Mr. Page if Council was able to consider R-12 at this meeting when the application submitted requests R-9. Mr. Page advised that the application before us is for R-9 rezoning. He added that the discussion about the subdivision, open space and road lengths are all subdivision questions and not rezoning questions. He reiterated that the application before us is R-9.

Mr. Boney expressed some confusion as to whether or not the original request was being changed from R-9 to R-12 with open space. Mayor Peterman stated that the applicant is giving Council the option to consider both. Mr. Boney questioned whether or not the applicant has formally requested R-12 with open space.

The following individuals expressed various concerns with the rezoning request and encouraged Council to deny the request:

Tom George – 2498 Whispering Hills Drive	Dr. David Johnson – 986 Stonehaven Drive
Xiaoping Johnson – 986 Stonehaven Drive	Marie Toney – 2517 Covington Loop
Bonnie Whitaker – 2456 Greenview Drive	Leah Duell – 2412 Chartwell Lane
Patrick Morefield – 2705 Pepperstone Drive	Jonathan Holt – 2305 Lacy Holt Road
Jonathan Miller – 2419 Pepperstone Drive	Nicholas Elinski – 2447 Pepperstone Drive
Jeff Barnt – 2456 Pepperstone Drive	Warren Linehan – 2420 Chartwell Lane
Steven Boles – 2410 Pepperstone Drive	Sandra LeFrancois – 973 Stonehaven Drive
Mary Taylor – 974 Stonehaven Drive	San Lamb – 2407 Pepperstone Drive
Randy Taylor – 974 Stonehaven Drive	Judy Hall – 2501 Pepperstone Drive
Jim Trenner – 2622 Pepperstone Drive	Seth Garrepy – 2451 Pepperstone Drive
Tom Balchin – 2361 Knightdale Drive	Richard Terrell – 910 Stonehaven Drive
Jerome Naylor – 2345 Knightdale Drive	Danny Simmons – 2405 Whispering Hills Drive
Steven Byrd – 2421 Chartwell Lane	Bob Snow – 2431 Knightdale Drive

Phyllis Holt of 3928 Yount Court Burlington stepped forward to address Council. She advised that she owns one of the parcels being considered for this rezoning request. She provided Council with a brief history of the property and the development that has occurred over the past several years. She encouraged Council to approve the rezoning request.

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

Mayor Peterman and Council Member Turner stated that the residents who spoke against this rezoning have an excellent point. Mayor Peterman further stated that the property is going to be developed and that he doesn't believe the residents are against the development of the property, but rather against the ins and outs of the property.

Mayor Pro Tem Kimrey spoke of the dedicated right-of-ways and how any growth is going to create an increase in traffic. Mayor Pro Tem Kimrey addressed some of the concerns about stormwater runoff voiced by the residents, stating that this developer would have to meet stricter guidelines than Valleyfield and Woodshire developers did when they were developed. He added that it is Council's responsibility to protect the interests and safety of the citizens while at the same time look forward to the future.

Council Member Turner stated that the roads built in Woodshire were built to a much different standard than roads today. He added that this new development will create about 900 cars per day and believes that dump trucks going in and out of the development will tear up the streets. Mayor Pro Tem Kimrey countered that by stating that development of any kind creates additional traffic.

Council Member McClure stated that he started with believing that R-12 is in keeping with Valleyfield, but he would not have Valleyfield do all of the heavy lifting with traffic. He stated that the access point is empathetical to Woodshire. He further added that while the right-of-way was built into this, so was the R-18 zoning. He stated that the zoning was indicative of the area. He added that while he started in the camp of R-12, he is now more in the R-15 rezoning as a compromise. Council Member McClure stated that he is a fan of growth and density, but a bigger fan of smart growth.

Council Member Wiggins stated that with every development the City has had, they have heard the same concerns heard tonight, traffic and safety. She added that those things are heard by the Technical Review Committee before they come back to the Council. She mentioned that when the Valleyfield subdivision was being proposed, there was a room full of people opposing that development as well. She stated she does have some concern for Woodshire.

Mayor Peterman stated that we would be dumping traffic onto a small County road, as Woodshire is not in the City limits. Mayor Pro Tem Kimrey advised that it is the responsibility of the Department of Transportation to accommodate our growth, much like it is the school system's responsibility to accommodate our growth.

Mayor Pro Tem Kimrey pointed out that we currently have an R-12 up against R-18 property. He wanted to point out that in terms of costs for services we provide, subdivisions generally are not cost effective for the City of Graham. He asked Mr. Page to confirm that in most cases, R-9 or even greater concentration is break even for the City. Mr. Page agreed with that statement. Mr. Page stated that while repaving the first portion of Pepperstone Drive, it was determined that value we received from those homes would never repay what it cost to pay for repaving the portion of street in front of those homes. Mayor Pro Tem Kimrey stated that unfortunately, we are charging taxes at today's rate, but repaving costs are in the future. He added that revenue we generate from most subdivisions is not where we look for money. Those areas providing positive revenue to the City would be industrial growth, commercial growth and even multi-family growth. Mayor Pro Tem Kimrey responded to Council Member McClure's mention of R-15 by stating that you cannot develop an R-15 subdivision and have it make money and certainly not an R-18 with City services. He stated that this is not about money, but rather about bringing people into the City who can contribute to our community.

Council Member McClure asked Mayor Pro Tem Kimrey if he were in favor of R-9. Mayor Pro Tem Kimrey stated he was in favor of R-12, to which Council Member McClure pointed out that Mayor Pro Tem Kimrey just stated that R-12 is not profitable to the City. Mayor Pro Tem Kimrey countered that subdivisions being unprofitable to the City doesn't mean that those additional residents aren't contributing in other ways to our community. He added that as you bring more people to the City, those people will be engaged in the City and get goods and services here in the City. The City can see a benefit other than just tax revenue. Council Member McClure stated that he believes this area is development heavy.

Council Member Wiggins reminded everyone that this land is going to sell and have development on it at some point.

Mayor Peterman stated that he is not against growth and again referenced the concerns voiced by Woodshire residents when Valleyfield developed. He asked Mr. Maness if there is an alternative way to access this property. Mr. Maness stated there has to be available land and as it stands now, it would be tough to find other access.

Mayor Pro Tem Kimrey questioned setting precedent if Council should say that you can't use the dedicated public right-of-ways for future development. He wants to make sure Council remains fair and consistent.

Mayor Peterman asked City Attorney Brian Coleman what the ramifications to the City would be if Council did not approve this request and the developers decide to sue the City. Mr. Coleman deferred to Mr. Page. Mr. Page advised that if Council should vote this down, the consistency statement needs to be complete and state why the denial was in alignment with The Graham 2035 Comprehensive Plan and quote how the denial was in alignment with The Graham 2035 Comprehensive Plan.

That document would then be able to be challenged in court and would need to match that plan. Mayor Peterman asked Mr. Page if any of the citizens have given Council a defensible action should this not be approved. Mr. Page referenced Department of Transportation standards with traffic counts, adding that arguments heard tonight pertain to the subdivision plan and not the rezoning request.

Mayor Pro Tem Kimrey made a motion that the application be approved to R-12 rezoning as requested tonight, 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 this property would be consistent with Policy 3.3.2 and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman, Council Member Turner and Council Member McClure. Motion failed 3:2.

Council Member Wiggins made a motion that the application be approved with the R-9 as submitted and that the application is consistent with The Graham 2035 Comprehensive Plan. The motion failed to receive a second and therefore dies. Staff recommended that Council should have a motion that passes, even if that motion is to dismiss the application presented.

Mayor Peterman made a motion that the application be denied and that the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member McClure seconded the motion. Ayes: Mayor Peterman, Council Member McClure and Council Member Turner. Nays: Mayor Pro Tem Kimrey and Council Member Wiggins. Motion carried 3:2.

b. Public Hearing: Lacy Acres (S1901). Request by Penny Sekaldo to approve a Major Subdivision for up to 165 single family residences (GPIN 8872465865, 8872469418, 8872562422)

Mayor Peterman stated that this request is no longer valid.

Mr. Sevilla stepped forward and stated that with the R-9 and R-12 requests being denied, this project would not be permissible under the current zoning. Ms. Sekaldo stated that she has advised her clients, Glenwood Homes, the current zoning is not feasible with public utilities to continue with the project. She further added that to deny them access to existing right-of-ways is turning land planning on its ear. Mrs. Sevilla stated that she has been in the building business for several years and this is the first time she has been denied with existing right-of-ways in place and with R-12 next door. She also added that their R-12 request is less dense than what the Comprehensive Plan calls for. Ms. Sevilla went on to say that they did everything they could to try and align this project with what the Comprehensive Plan calls for. She stated that safety and community are her number one priorities.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and asked Mayor Peterman what paragraph(s) of The Graham 2035 Comprehensive Plan did Mayor Peterman use during his motion for the rezoning request. Mayor Peterman advised that there can be differing interpretations of the plan. Mr. Crissman expressed concern and questioned why the plan is used at all if there can be differing interpretations.

Mr. Boney stepped forward and expressed concern that it is the majority who determine what is and is not consistent with the Comprehensive Plan. He also expressed concern about the notification process during rezoning requests and/or changes.

Approve Agreement to Operate Burlington Animal Shelter & Pet Adoption Center:

Mr. Maness explained that since 2002, the City of Graham has participated in the programs associated with the Animal Shelter. Mr. Maness gave a brief overview about how the costs used to be divided up between municipalities within and including Alamance County. The new formula being proposed will mirror the sales tax revenue formula and staff recommends approval.

A general discussion between Council Members and staff regarding shelter policies, shelter services and overall responsibility ensued. Mr. Maness advised that euthanasia is down, intake is down and positive outcomes is up. Council Members thanked Mr. Maness for all of the work he has done with helping to ensure that the cost breakdown is fair for all parties.

Mr. Crissman stepped forward and spoke of the positive outcome he has personally had using shelter services.

Issues Not on Tonight's Agenda:

Council Member Wiggins reminded everyone that the Historic Museum Ribbon cutting is Thursday, May 9, 2019. She also commended the Recreation staff for a recent grant they received. Lastly, she presented a summary of a meeting held with a few volunteer board members and staff regarding the overall operation and training of our current volunteer board members. Council Member Wiggins recommended that Council Members consider creating a task force to look into how volunteer members are trained and appointed. Mayor Peterman asked that this request be put on next month's agenda.

Mr. Maness presented Council Members with a copy of his recommended budget for fiscal year 2019-2020. He informed Council that a doodle poll will be forthcoming to find a date that works for all for a budget workshop.

Mayor Peterman congratulated former City employee Jerry Hughes for his recent North Carolina Lottery win.

At 10:18 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
WEDNESDAY, MAY 15, 2019
12:00 P.M.**

The City Council of the City of Graham met in special session at 12:00 p.m. on Wednesday, May 15, 2019, 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
Julianne Cordon, Finance Officer
Nathan Page, Planning Director
Darby Terrell, Administrative Intern

Mayor Jerry Peterman called the meeting to order and presided at 12:03 p.m.

City Manager Frankie Maness reviewed the highlights of his recommended \$22,173,900 budget and gave a general overview of it. He recommended the ad valorem tax rate to remain at 45.5¢ per \$100 of valuation. Additionally, Mr. Maness proposed a 2% cost of living increase and informed Council of an 8% increase in health insurance premiums which affect all employees. Refuse fees are recommended to increase from \$3.00 per unit, per month to \$3.50 per unit, per month. He advised that there will be a mandatory employer contribution increase in the North Carolina Retirement System effective July 1, 2019, a \$90,000 cost to the City. Also included in the recommended budget is the addition of one fulltime position in the Public Works department and 7.29 FTEs of part-time/auxiliary additions to the public safety departments. Mr. Maness advised that expenditures for public safety are estimated to encumber all of the ad valorem tax levy.

Mr. Maness went through the various departments within the General Fund and general discussion ensued. After this discussion concluded, Council Members asked Mr. Maness to appropriate \$5,000 to economic development and \$2,000 for security upgrades at the Graham Historical Museum. Additionally, Council Members by consensus agreed to raise the recycling fee from \$2.36 per month to \$2.75 per month.

Mr. Maness presented an overview of the Water and Sewer Fund where he stated that no increase in fees is recommended for the upcoming year. He did inform Council that next year's discussion about this Fund will have a much more serious tone, as major projects required to comply with State and Federal mandates are on the horizon.

Mr. Maness presented an overview of the Garage Fund, Cemetery Trust Fund and the Water & Sewer Capital Reserve Fund and general discussion ensued.

With no further discussion forthcoming, at 5:12 p.m. Mayor Pro Tem Lee Kimrey 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 4, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 4, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
John T. Cole, Fire Chief

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

Consent Agenda:

- a. Approve Minutes – May 7, 2019 Regular Session*
- b. Approve Minutes – May 15, 2019 Special Session*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
627529	2017	OVERBEY, LINDA ROXANA	DOES NOT LIVE IN THE CITY OF GRAHAM	3.43
627529	2018	OVERBEY, LINDA ROXANA	DOES NOT LIVE IN THE CITY OF GRAHAM	3.26

- d. Approve Recreation & Parks request to close the 100 & 200 blocks of West Elm Street from 4:00pm – 11:00pm on Saturday, June 8, 2019 with an alternative date of June 15, 2019, for the rescheduled Easter Egg Hunt event*
- e. Approve FY 2018-2019 Budget Amendments*

**CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2018-2019**

**BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that
the 2018 - 2019 Budget Ordinance shall be and is hereby amended as follows:**

Section 1.

GENERAL FUND DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
City Council	45,700.00	45,700.00			
Administrative	542,500.00	597,500.00	55,000.00		
Information Technologies	340,300.00	340,300.00			
Finance	411,100.00	411,100.00			
Public Building & Ground	148,000.00	148,000.00			
Police Department	3,859,200.00	3,859,200.00			
Fire Department	1,133,900.00	1,133,900.00			
Inspections	602,200.00	602,200.00			
Traffic Engineering	29,500.00	29,500.00			
Garage Warehouse	110,300.00	110,300.00			
Street Department	1,419,600.00	1,419,600.00			
Street Lights	126,000.00	126,000.00			
Sanitation	1,055,300.00	1,055,300.00			
Recreation	928,100.00	928,100.00			
Graham-Mebane Lake	173,000.00	173,000.00			
Athletic Facilities	375,000.00	375,000.00			
Property Maintenance	743,400.00	743,400.00			
Non-Departmental	971,000.00	916,000.00		55,000.00	
	<u>13,014,100.00</u>	<u>13,014,100.00</u>	<u>55,000.00</u>	<u>55,000.00</u>	<u>-</u>

Section 3.

WATER & WASTEWATER EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Water Billing admn	426,400.00	426,400.00			
W&S Distribution	1,741,900.00	1,741,900.00			
Maintenance & Lift Stations	246,200.00	246,200.00			
Water Treatment Plant	1,845,400.00	1,845,400.00			
Wastwater Treatment plant	1,650,900.00	1,650,900.00			
Non-Departmental	1,410,300.00	1,485,300.00	75,000.00		
	<u>7,321,100.00</u>	<u>7,396,100.00</u>	<u>75,000.00</u>	<u>-</u>	<u>75,000.00</u>

Section 4

WATER & WASTEWATER REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Water Charges	2,750,500.00	2,788,000.00	37,500.00		
Sewer Charges	2,660,000.00	2,697,500.00	37,500.00		
	<u>5,410,500.00</u>	<u>5,485,500.00</u>	<u>75,000.00</u>		<u>75,000.00</u>
Fund Total	7,321,100.00	7,396,100.00			

Section 7

CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES AND EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
State Drug Funds	100.00	15,100.00	15,000.00		
Federal Drug Funds	100.00	60,100.00	60,000.00		
	<u>200.00</u>	<u>75,200.00</u>	<u>75,000.00</u>	<u>-</u>	<u>75,000.00</u>

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

Old Business:

- a. **Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)***

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and asked Council to table this item for one more month.

Council Member Melody Wiggins made a motion to continue this hearing until July 2, 2019, seconded by Council Member Turner. All voted in favor of the motion.

*b. **Boards & Commissions Task Force:***

- i. **Consider official formation of the Boards & Commissions Study Committee for future compliance efforts***

Assistant City Manager Aaron Holland reminded Council that in an effort to better align the duties and responsibilities that is expected from our volunteer boards and commissions, Council Member Wiggins requested at the April Council meeting to gather representatives from both boards and commissions as well as staff liaisons to discuss ways to improve our current appointment procedures. The group met on April 25th and discussed different aspects of their respective boards/commissions and changes that could be made for further improvement including appointment procedures and qualification criteria. An update was presented at the May 7th Council meeting and a request to formalize the committee into a task force was introduced for further discussion at tonight's meeting.

Following a brief discussion as to the makeup and issues the committee would be discussing, Mayor Peterman opened the discussion to the floor.

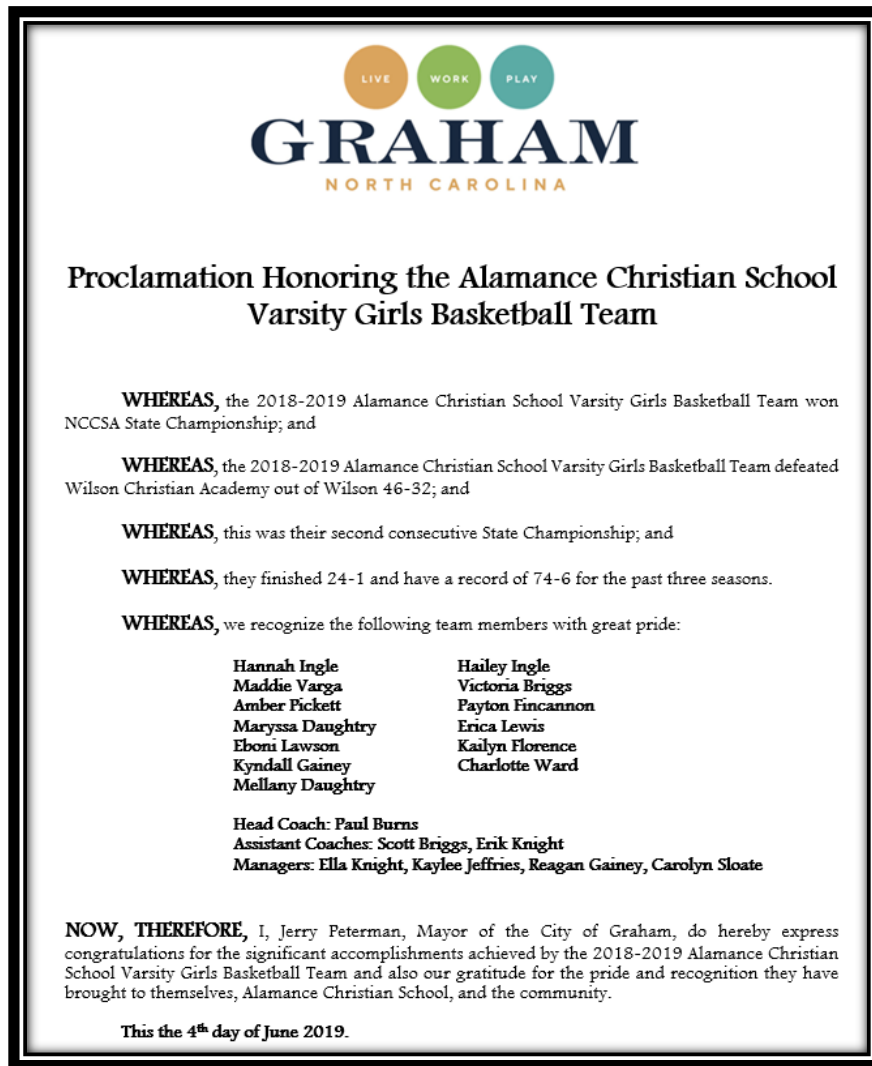
Mr. Tom Boney of the Alamance News stepped forward and expressed his desire to be notified of all public meetings for this committee and that any meeting be recorded.

Council Member McClure made a motion to approve the formalization of the Boards and Commissions Task Force to review the procedures for making appointments to the City's numerous volunteer boards and commissions and compliance with qualification criteria with a three month return of information. Mayor Pro Tem Lee Kimrey seconded the motion and all voted in favor of the motion.

Honorary Proclamation:

➤ ***Alamance Christian School 2018-2019 Varsity Girls Basketball Team***

Mayor Peterman read and presented a proclamation to Coach Paul Burns and members of the Alamance Christian School 2018-2019 Varsity Girls Basketball Team. He congratulated them on their recent State Championship.



Old Business (continued):

c. Fire Suppression Discussion:

- i. Consider option to amend fee schedule to address tap fees within the #1 Fire District for the purpose of fire suppression installation*

Mr. Holland explained that this item was brought up last month by one of the downtown business owners. He reminded Council that they directed staff to investigate different options that may be a viable and feasible solution. Staff looked at programs in other jurisdictions and based on those findings, staff determined that the best option at this time would be to make an amendment to our fee schedule which would effectively exempt properties in the #1 Fire District from having to pay tap fees when installing a fire suppression system. Mr. Holland added that this exemption would make the City responsible for providing the water tap instead of the property owner. With this in mind, staff would like to consider implementing a broader, more encompassing Revitalization Incentive Program after the review and adoption of the Downtown Small Area Plan. Staff recommends approval.

A general discussion between Council Members and staff ensued. Council Members asked staff about costs, who provides labor, vetting process, who might not be qualified, effect on water capacity and the benefit this would bring to downtown buildings. Mayor Peterman expressed concern that this fee waiver would not apply to everyone city wide.

Fire Chief Tommy & Assistant Chief Larry Brooks both stepped forward to address Council. Both expressed support for any incentive the city implements for fire suppression. Council Members and Chief Cole briefly discussed the difference between fires in downtown buildings versus fires in stand-alone homes. Chief Cole stated that there is a greater chance for catastrophic damage in downtown, where buildings are attached.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and stated that this would be an ideal opportunity for Council to do forward thinking.

Ms. Jeanette Beaudry of 308 East Harden Street Graham stepped forward and inquired if this incentive would ever be available to homeowners outside the downtown area. Mayor Peterman stated that he would never say never, but at this time this would only be offered to those in the #1 Fire District.

Ms. Nicki Smith of 402 South Maple Street Graham stepped forward and asked if there has been any research done on a central riser program. Mr. Holland advised that he had not researched that. Mayor Peterman advised that everything will be looked at once we have the Downtown Small Area Plan in place.

Mayor Peterman asked for consensus to move forward with this amendment to the Fee Schedule. Unanimous consensus was given.

d. Public Hearing: Adoption of Budget Ordinance for FY 2019-2020

City Manager Frankie Maness presented the Budget Ordinance for fiscal year 2019-2020. He advised Council that this is the culmination of approximately five months' worth of work, effort, research and forecasting to come up with a budget for all of the operating funds for the 2019-2020 fiscal year. Adoption of the \$22,203,900 budget is the final step in the budget process.

Council Members and staff briefly discussed the proposed increase in the recycling rate, attributing that to the current volatile recycling market. Also discussed was the approximate 5% increase in Recreation camp fees and the future need for more personnel in some departments. Mayor Peterman expressed some concern with the omission of funds for a welcome to Graham sign.

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

Council Members took time thanking Mr. Maness and his staff for their hard work in putting together a great budget which includes no increase in the City's tax rate. Mayor Pro Tem Kimrey made a motion to adopt the Budget Ordinance for Fiscal Year 2019-2020, seconded by Council Member Wiggins. All voted in favor of the motion.



Budget Ordinance FY 2019-2020

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, 2019 and ending June 30, 2020, in accordance with the Chart of Accounts heretofore established for the City:

City Council	55,700
Administration	593,200
Information Technology	348,700
Finance	407,100
Public Buildings	125,500
Police	4,148,700
Fire	1,184,800
Inspections	527,500
Traffic Engineering	92,500
Garage and Warehouse	91,500
Streets & Highways	1,730,600
Street Lights	132,000
Sanitation	832,600
Recreation	920,300
Lake	187,000
Athletic Facilities	397,100
Property Maintenance	788,900
Non-Departmental	995,600
FUND TOTAL	13,559,300

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

Current Year Tax	4,841,000
Prior Year Taxes	45,000
Vehicle Taxes	490,000
Prior Year Vehicle Taxes	500
PY Vehicle <u>Int & Coll Fees</u>	100
<u>Payt Lieu Taxes</u>	26,500
Storm Water Fee	125,000
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	87,000
School Resource Officer	110,000
Police Donations/Grants	35,000
Miscellaneous Income	50,000
Alarms	2,000
Insurance Proceeds	1,000
Franchise Tax	975,000
NCCP	305,000
Beer And Wine Tax	62,500
Powell Bill	390,000
Local Sales Tax	3,782,500
Solid Waste Disposal Tax	9,000
ABC Revenues	80,000
Bldg & Elect Permits	130,000
Recreation Donations	1,000
Refuse Fees	358,000
Cemetery Revenue	42,000
Recreation Income	100,000
Recreation Rentals	19,000
Graham Mebane Lake	31,000
Courts & Fines	15,000
Rent On City Property	30,000
Mebane Lake Revenue	90,000
Fund Balance	1,281,000
FUND TOTAL	13,559,300

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, 2019 and ending June 30, 2020, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	445,200
Water and Sewer Distribution	1,882,800
Maintenance & Lift Station	292,100
Water Treatment Plant	1,917,200
Wastewater Treatment Plant	1,660,800
Non Departmental Admin	1,446,900
FUND TOTAL	7,645,000

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

Sale of Surplus Property	1,000
Interest on Investments	60,000
Sewer Surcharges	15,000
Outside Sewer Surcharges	45,000
Water Charges	2,875,000
Sewer Charges	2,735,000
Plumbing Permits & Inspections	30,000
Water and Sewer Taps	2,500
Water & Sewer Assessments	100
Miscellaneous Income	8,000
Fund Balance	448,400
Cut Offs	100,000
Sale/Lease Of Property	27,000
Mebane Revenue	796,000
Water Plant Equalization	127,000
WWTP Payment-Mebane	200,000
Swordfish-Alamance County	100,000
NCCP	75,000
FUND TOTAL	7,645,000

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	935,600
--------------------	----------------

Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2019 and ending June 30, 2020.

Ala Co Fuel	198,000
City Of Graham Parts	273,000
City Of Graham Labor	203,800
City Of Graham Fuel	227,000
Graham Housing Parts	10,400
Graham Housing Labor	2,000
Graham Housing Fuel	1,300
Green Level Parts	4,500
Green Level Labor	4,200

Green Level Fuel	7,900
ABC Parts	2,500
ABC Fuel	300
Interest On Investments	600
Miscellaneous Income	100
Total	935,600

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

	Revenues	Expenditures
Cemetery Trust Fund	64,000	64,000
Federal Drug Monies	100	100
Water & Sewer Capital Reserve Fund	40,000	40,000
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, 2019 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 \$1,213,000,000 (100% valuation) with anticipated collection rate of 97%.

Section 9. The City of Graham Fee Schedule shall be amended as follows:

Camp Fees	(Grades K-8)	
	Resident	General Public
10-weeks	\$575 - 1 st child	\$745 - 1 st child
6-weeks	\$350 - 1 st child	\$450 - 1 st child
Weekly*	\$70 per child	\$86 per child
Daily*	\$21 per child	\$26 per child
Multiple child discount**	\$30 per child	\$30 per child
*limited based on availability		
**Discounts will not be given on weekly or daily rates		

Field Rental			
	Resident	General Public	Commercial
Rental of single field	\$100 / day (10 hrs.) \$15 / hr.	\$150 / day (10 hrs.) \$20 / hr.	\$225 / day (10 hrs.) \$30 / hr.
Field Prep	\$20 ea.	\$20 ea.	\$20 ea.
Lining of field	\$10 ea.	\$10 ea.	\$10 ea.
Lights (single field)	\$24.50 / hr.	\$24.50 / hr.	\$24.50 / hr.

Scoreboard	\$20 / hr.	\$20 / hr.	\$20 / hr.
Staff Supervision*	\$20 / hr.	\$20 / hr.	\$20 / hr.
*Supervision Fee may be waived for full-time City of Graham employees upon approval of the GRPD Director or Athletic Supervisor			

Center	Facility			
		Graham Resident	General Public	Commercial
Graham Recreation Center	Entire Center (Gym #1, Gym #2, Room #1 & kitchen)	\$60 / hr. + staff fee	\$120 / hr. + staff fee	\$240 / hr. + staff fee
Graham Recreation Center	Room #1 (Multi-Purpose room, includes kitchen)	\$20 / hr. + staff fee	\$40 / hr. + staff fee	\$80 / hr. + staff fee
Graham Recreation Center	Gym #1 (Full Gym, includes kitchen)	\$30 / hr. + staff fee	\$60 / hr. + staff fee	\$120 / hr. + staff fee
Graham Recreation Center	Gym #2 (Half Gym, includes kitchen)	\$25 / hr. + staff fee	\$50 / hr. + staff fee	\$100 / hr. + staff fee
Graham Civic Center	Full Center (includes kitchen)	\$20 / hr. + staff fee \$75 / 5 hrs. + staff fee \$132 / 10 hrs. + staff fee	\$40 / hr. + staff fee \$150 / 5 hrs. + staff fee \$265 / 10 hrs. + staff fee	\$80 / hr. + staff fee \$300 / 5 hrs. + staff fee \$530 / 10 hrs. + staff fee
Maple Street Center	Full Center (does not include a kitchen)	\$15 / hr. + staff fee	\$30 / hr. + staff fee	\$60 / hr. + staff fee
Supervisory Staff Fee	-Supervisory fees must be paid for all centers. -An additional hour will be added to all rentals for staff preparations. -Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for full-time employees of the City of Graham upon approval of the GRPD Director or Center Supervisor.	\$20 / hr.	\$20 / hr.	\$20 / hr.
Cleaning Deposit	-Refundable and included in all rentals	\$50	\$50	\$50

Water and Sewer Tap and System Development Fees (Note #4)	Owner or Developer is responsible for providing taps for all other types, sizes and zoning classifications except for fire suppression taps in the #1 fire district where taps will be provided by the City.
Recreation Staff Supervision Fee	\$20.00 per hour
Refuse Fees	\$3.50 per unit, per month
Recycling Fees	\$2.75 per unit, per month

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 4th day of June 2019.

Requests & Petitions from Citizens:

a. Resolution Declaring the Intention of the City Council of the City of Graham to Consider the Permanent Closing of a Portion of Baldwin Road and Setting a Public Hearing

Planning Director Nathan Page explained that Mark and Wanda Blalock are requesting the removal of a proposed roadway which bisects their land at the end of Baldwin Road, consisting of approximately 0.06 acres. A portion of right of way exists only on a plat and has not been constructed, nor does it provide service to access land for anyone other than the Blalock's.

Additionally, there have been no utilities located in area by the City of Graham, nor anyone who came out as a result of an 811 call by the applicant to identify any infrastructure in the proposed right of way.

Council Members and staff briefly discussed connectivity to Essex Drive and whether or not Baldwin Road is a State or City road. Mr. Page advised that Baldwin Road is included in the City's Powell Bill. With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor.

Mr. Jeff Deal of Massey Commercial Real Estate, 1629 South Church Street Burlington stepped forward on behalf of the petitioners. A brief general discussion of request ensued.

With no further comments forthcoming, Council Member Wiggins made a motion to approve the Resolution Declaring the Intention of the City Council of the City of Graham to Consider the Permanent Closing of a Portion of Baldwin Road and Setting a Public Hearing on July 2, 2019. Council Member Turner seconded the motion and all voted in favor of the motion.

**RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF GRAHAM TO
CONSIDER THE PERMANENT CLOSING OF A PORTION OF BALDWIN ROAD AND SETTING A PUBLIC
HEARING**

WHEREAS, the City of Graham has received a petition from adjoining property owners seeking the permanent closure of Baldwin Road, a public street extending approximately 0.05 miles that is west of E. Gilbreath Street, and was never constructed nor used by the public, as proposed on or before Deed Book 477, Page 160 of the Alamance County Register of Deeds; and

WHEREAS, G.S. 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of Baldwin Road

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

- (1) A meeting will be held at 7:00 p.m. on the 2nd day of July, 2019, in the Council Chambers of the Graham City Hall to consider the permanent closing of E Parker Street.
- (2) The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks in The Alamance News, or other newspaper of general circulation in the area.
- (3) The City Clerk is hereby directed to transmit by registered or certified mail to each property abutting upon said street a copy of this Resolution of Intent.
- (4) The City Clerk is further directed to cause adequate notices of this Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

This the 4th day of June 2019.

b. Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901):

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

Mr. Page explained that the petition submitted seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is connected to Rogers Road, Mayfield Drive and Lacy Holt Road. He added that water and sewer are both available at this location. Mr. Page reminded Council that the annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions.

Following a brief discussion between Council Members and staff, Council Member McClure made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a 111.44 acre area on Rogers Road, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member McClure made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 111.44 acre area on Rogers Road, with the date being July 2, 2019. Council Member Wiggins seconded the motion and all voted in favor of the motion.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 14, 2019, 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 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00 pm on July 2, 2019.

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE

- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE
- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

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.

Boards & Commissions Appointments:

Alcohol Beverage Control Board – 3 year term

Mr. Larry Brooks, Executive Director of the Alamance Municipal ABC Board stepped forward and encouraged Council to reappoint Mr. Robert Parrish to the board. Mr. Dean Ward withdrew his application.

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

Appearance Commission – 3 year term

Council Member McClure nominated Ricky Hall for appointment.

Council Member Wiggins nominated Carla Smith for reappointment.

Mayor Pro Tem Kimrey nominated William Copeland for appointment.

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

Council Member McClure made a motion to appoint Ricky Hall to the Appearance Commission, seconded by Council Member Turner. All voted in favor of the motion.

Canine Review Board – 3 year term

Mayor Peterman made a motion to appoint Stephanie Brinn to the Canine Review Board, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Historical Museum Advisory Board – 3 year term

Mr. Ricky Hall withdrew his application.

Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins nominated April Snell for appointment.

Council Member Wiggins nominated Diana Cummings for reappointment.

Council Member McClure made a motion to reappoint Diana Cummings and appoint April Snell to the Historical Museum Advisory Board, seconded by Council Member Wiggins. All voted in favor of the motion.

Historic Resources Commission – Term to Expire June 30, 2021

Council Member McClure nominated William Copeland for appointment.

Council Member Wiggins nominated Paul Tucker for appointment.

Mayor Pro Tem Kimrey made a motion to appoint William Copeland to the Historic Resources Commission, seconded by Council Member Turner. All voted in favor of the motion.

Housing Authority – 5 year term

Mr. Larry Brooks stepped forward and encouraged Council to reappoint Robert Sykes, current chair of this board.

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

Planning Board/Board of Adjustment – 3 year term

Council Member McClure nominated Rachel McIntyre for appointment.

Council Member Wiggins nominated Nicki Smith for appointment.

Council Member Turner nominated Dean Ward and Ricky Hall for reappointment.

Ms. Smith stepped forward and stated that Graham is in a unique position and there is a great opportunity to work and implement the current strategic plan.

Ms. Jan Searls of 526 Pine Street stepped forward and formally withdrew her application.

Mayor Pro Tem Kimrey seconded Council Member McClure's nomination, while Mayor Peterman seconded Council Member Turner's nominations. Council Member Wiggins' nomination failed to get a second and therefore died.

Mayor Peterman asked for a vote to appoint Rachel McIntyre to the Planning Board/Board of Adjustment. Ayes: Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Vote carried 3:2.

Mayor Peterman asked for a vote to reappoint Dean Ward to the Planning Board/Board of Adjustment. Ayes: Council Member Turner, Mayor Peterman, Mayor Pro Tem Kimrey and Council Member McClure. Nays: Council Member Wiggins. Vote carried 4:1.

Recreation Commission – 3 year term

Mr. Nathan Perry formally withdrew his application.

Mayor Peterman nominated Jay Cook for reappointment.

Council Member Wiggins nominated Nicki Smith for appointment.

Council Member Wiggins seconded the nomination for Jay Cook while Council Member McClure seconded the nomination of Nicki Smith.

With no further nominations forthcoming, Mayor Peterman declared that Jay Cook and Nicki Smith would be appointed to the Recreation Commission.

Tree Board – 3 year term

Council Member McClure nominated Jan Searls for reappointment.

Council Member Wiggins nominated Christina Taylor for appointment.

Mayor Pro Tem seconded both nominations and all voted in favor of both nominations.

Issues Not on Tonight's Agenda:

Council Member McClure, Council Member Turner and Mayor Pro Tem Kimrey thanked Mr. Ricky Hall for his service to the Planning Board/Board of Adjustment.

Mayor Peterman expressed his condolences to Mr. Mickey Cheek.

At 8:48 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 2, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, July 2, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney,
Mary Faucette, Downtown Development Coordinator
Duane Flood, Police Lieutenant

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

Consent Agenda:

- a. Approve Minutes – June 4, 2019 Regular Session*
- b. Approve Request by Daniel Alvis and Max Dearing to close the West Elm Street parking lot from 6:00 p.m. on Friday, September 25, 2019 through 11:00 p.m. on Saturday, September 26, 2019 for the Rockn’ for Research fundraising event, provided the following conditions are met prior to the event:*
 - i. Provide a Certificate of Liability insurance meeting all City requirements*
 - ii. Submit a Temporary Outdoor Sales Permit Application*
 - iii. Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Melody Wiggins asked to pull item “b”.

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

Council Member Wiggins asked the event organizers to step forward and talk about some of the particulars of the event. She also asked if area businesses had been notified that the public parking lot would be closed and inquired about cleanup efforts after the event.

Downtown Development Coordinator Mary Faucette advised that she and other City staff have met with the organizers. During those meetings, those questions Council Member Wiggins asked have been addressed. Mr. Max Dearing of 212 Judge Sharpe Road Graham stepped forward as one of the event organizers. He advised that this event will have various bands, vendors and a barbeque cook-off. He advised that co-sponsors of the event are the Maple Street Tavern, Beer-Co and the Verdict. Proceeds will benefit the Amaranth Diabetes Foundation.

Mr. Dearing advised that he has spoken to some of the surrounding business owners and assured Council Members that the parking lot will be clean after the event.

Mayor Pro Tem Lee Kimrey asked Mrs. Faucette about the use of Extra Duty Solutions for this event. Mrs. Faucette explained that this is a private entity that event coordinators use for booking officers to work the event. The organizer will contract directly with Extra Duty Solutions, thereby taking the burden off the City to provide police services.

Mr. Dearing pointed out that the dates included in the agenda packet were incorrect. The event is scheduled for September 27-28, 2019.

Council Member Wiggins made a motion to approve item “b” on the Consent Agenda with the correct dates of September 27th and 28th, seconded by Council Member Chip Turner. All voted in favor of the motion.

Old Business:

a. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)

Assistant City Manager Aaron Holland reminded Council that this request was originally brought before Council at the March 2019 meeting and had subsequently been tabled since. He explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court. The property is currently vacant. Properties zoned Industrial are required by the Development Ordinance to apply for a Special Use permit to allow the use of Commercial Campgrounds. Mr. Holland pointed out a change in staff's recommendation since the original request was received. He advised that the only condition staff is now recommending is a TRC-approved plan shall be in place before any construction activities begin.

Mayor Peterman opened the Quasi-Judicial Public Hearing by asking City Attorney Bryan Coleman to go over the Quasi-Judicial Hearing process. Mr. Coleman read a statement explaining the Council's role in a Quasi-Judicial Hearing. He read that an application for a Special Use Permit requires the City Council to hold a Quasi-Judicial Hearing. The Council will move from its usual role of a legislative body to a judicial body. The Council will be acting as a court would act to establish a factual background to support a decision about the rights of affected land owners. The applicant seeking approval in the Quasi-Judicial Hearing action has the legal burden to present sufficient evidence to support the approval of the application. The Council will take the evidence and obtain exhibits in order to establish the record. If there is an appeal from an aggrieved party, the record would be reviewed by a court of law to determine the validity of the Council's decision. He added that tonight's hearing is for consideration of a Special Use Permit pursuant to the City of Graham's Development Ordinance. He added that this is a Public Hearing and asked that anyone wishing to testify or present relative evidence, come forward to be sworn in. City Clerk Darcy Sperry swore in City Manager Frankie Maness, Mr. Holland, Mr. Chuck Talley, Mrs. Jennifer Talley, Mr. Ryan Moffett and Mr. Chad Huffines.

Mayor Peterman polled the Council for any ex-parte communication. He disclosed that he had spoken to Mr. & Mrs. Talley about this project. Mayor Pro Tem Kimrey asked Mayor Peterman about that conversation. Mayor Peterman stated that he knew the project was coming, but that was the extent of the conversation. By consensus, Council Members saw no reason Mayor Peterman should be recused.

Mayor Peterman asked Mr. Holland to go over the exceptions he spoke about earlier. Mr. Holland stated that since March, staff and the applicant have been working on some of the technical aspects of the project and staff now believes that the first two conditions will be covered in the third condition, which states a TRC-approved plan shall be in place before any construction activities begin as part of approval.

Mr. Moffett of 522 South Lexington Avenue Burlington stepped forward and identified himself as the applicant's attorney. Mr. Moffett reviewed the six conditions for approval laid out in the City's Development Ordinance and how his client has met each condition. Mr. Moffett asked Council to consider the information he provided, as well as information from the applicants, as evidence in support of the required conditions and favorably grant the Special Use Permit as recommended by City Staff.

Mrs. Talley of 808 Sideview Street Graham stepped forward to address Council. She provided Council with an informational packet highlighting the property highlights and area attractions in and surrounding the proposed I-40 Drive-In and Campground. Ms. Sperry labeled the packet Exhibit A and submitted it into evidence. Following a review of the packet by Mrs. Talley, Mayor Pro Tem Kimrey asked about the discrepancy in sites between the original request and the current site plan shown to Council. He added that the original request was for up to 75 sites, while the plan shows 61. Mrs. Talley stated that Planning Director Nathan Page is the one who suggested they ask for 75 sites, in the event that space permits additional sites once construction begins. She added that this would allow them flexibility without having to come back before Council.

Mr. Talley of 808 Sideview Street Graham stepped forward to address Council. Mr. Talley advised that originally they only planned for the Drive-In Theater, however when looking at the property with the environmental company they hired, a stream which ended where the proposed concession stand would be located was identified. Mr. Talley stated that in time, additional streams/wetlands were identified thus making the entrance to the property a bottle-neck. In light of this new information, he met with his engineer Mr. Huffines, as well as City Manager Frankie Maness. It was then that he was told that an RV park was a possible use for that property. He advised that his lender is more enticed to move forward with the second income producing use for the property. He added that he is trying to create a unique destination for those traveling to and through Graham as well as something Graham residents can enjoy.

Mayor Pro Tem Kimrey asked if there would be restrictions on the campers and/or pull along trailers. Mr. Talley stated that this would be a Class A Park which will not have any long-term residents. He added that most Class A Parks limit those who stay to no more than 90 days and all RV's will be parked on a concrete slab. Mayor Pro Tem Kimrey asked about on site water and sewer connections, electricity and shower or laundry facilities. Mr. Talley advised that all sites would have water, sewer and electricity and there would be a bathhouse on site. Mayor Pro Tem Kimrey also asked if there would be an area which would sell supplies. Mr. Talley advised that a general store is proposed for the property. Mayor Pro Tem Kimrey asked if there would be any gas or equipment sales. Mr. Talley stated that there might be golf cart rentals.

Mayor Pro Tem Kimrey asked about playground equipment. Mr. Talley stated that any equipment would be geared toward young children. Mayor Pro Tem Kimrey asked how many of the 61 proposed sites would be located in the 100 year flood plain. Mr. Talley stated all but 12. Mayor Pro Tem Kimrey asked if campers would be required to sign a waiver to exempt the owners and the City from any injury to person arising out of the use of the campground or the property. Mr. Talley stated that they want to reduce the risk for themselves as well as the City and will work all that out with City Attorney Mr. Coleman. Mayor Pro Tem Kimrey asked if the City would be named on general and flood insurance for this campground. Mr. Moffett stated that they have not discussed that yet and are not prepared to say that would be the case. Mr. Moffett added that would be taken care of when they go through the Technical Review Committee process.

Council Member McClure asked what the proposed SCM area is on the plan. Mr. Huffines of 505 East Davis Street stated it is for stormwater control measure. Council Member McClure asked about the various recreational activities planned for the property and if the configuration of the proposed Drive-In screens had been vetted by NCDOT. Mayor Peterman reminded everyone that this Public Hearing is for the campground portion of the property only and questions asked should relate to the campground only. Mr. Holland stated that campgrounds require a Special Use Permit and that is what is before Council at this meeting.

Council Member Turner asked what type of events might be planned for the event space on the proposed plan. Mr. Talley stated that the Drive-In might hold events such as an American Graffiti night where people show up in old cars and dress the part. He also mentioned concerts and car shows as possible events.

Mr. Moffett wanted to revisit his earlier answer to Mayor Pro Tem Kimrey's question about flood risk to the City. He stated that is part of the conversation they will have with Public Works and engineering to make sure that City infrastructure is protected from any risk of flood. He added that as far as insurance, they do not know yet what that definitive measure is going to look like. Flood risk will be addressed. Mayor Pro Tem Kimrey stated that he hopes Mr. Moffett understands his concerns with the City approving a campground in the 100 year flood zone. Mayor Pro Tem Kimrey stated that there are certain risks and the City assumes responsibility with approval and the City being held liable for putting the public in danger by allowing something to occur in the 100 year flood plain. Mr. Moffett acknowledged Mayor Pro Tem Kimrey's concerns.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A TRC-approved plan shall be in place before any construction activities begin.
- All campers in the campground be required to sign a waiver to exempt the City and owners from damages to property and injury to persons arising out of the use of the camping facilities.
- The City of Graham be named as additionally insured on general and flood insurance.

He moved to adopt the Findings of Fact and Conclusions of Law as presented in the staff report and stated that the application is consistent with The Graham 2035 Comprehensive Plan and added that this action is reasonable and in the public interest for the following reasons: It will increase tourism (Policy 2.1.8) in the Comprehensive Plan, and increase the development density to one of our industrial properties. Council Member Wiggins seconded the motion and all voted in favor of the motion.

b. Public Hearing: Approve Resolution Ordering Closure of a Portion of Baldwin Road

Mr. Holland explained that at last month's meeting, Council was informed that the City had received a request from Mark & Wanda Blalock for the removal of a proposed roadway, which bisects their land on Baldwin Road. He added that this portion of Right-of-Way exists only on a Plat and has not been constructed. Mr. Holland further added that this section of roadway is not currently counted for the purposes of the Powell Bill and therefore the City receives no funds from the State for it. Staff recommends approval.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member Wiggins made a motion to approve the Resolution Ordering the Closing of a portion of Baldwin Road, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF BALDWIN ROAD

WHEREAS, on the 4th day of June, 2019, 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 a portion of Baldwin Road, 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 July 2, 2019; and

WHEREAS, the City Council on the 4th day of June, 2019, ordered the City Clerk to notify all persons owning property abutting the portion of Baldwin Road 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 July 2, 2019; and

WHEREAS, it now appears to the satisfaction of the Graham City Council that the closing of a portion 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 a portion of Baldwin Road, 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.

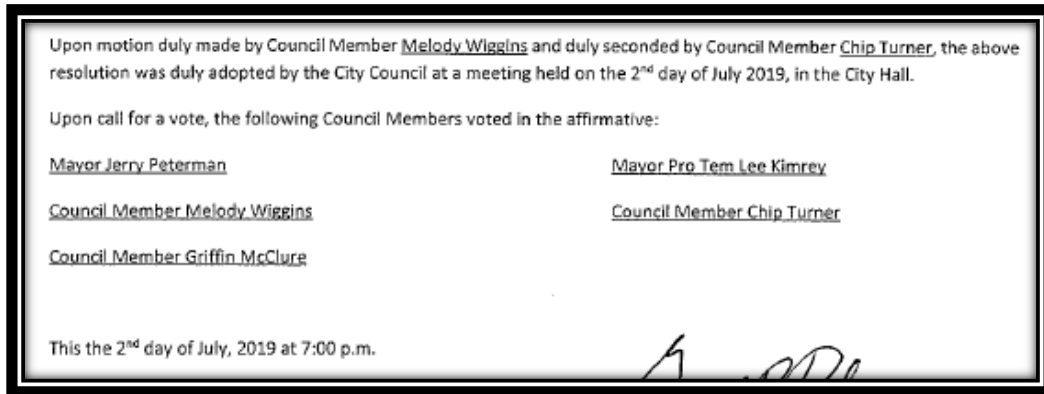
BEGINNING AT A EXISTING IRON PIPE ,A COMMON CORNER WITH PROPERTY OF NORTH CAROLINA STATE HIGHWAY COMMISSION, THENCE N 87°32'54" E, A DISTANCE OF 202.86' TO A MATHEMATICAL POINT, THENCE S 02°48'49" W, A DISTANCE OF 14.44' TO A MATHEMATICAL POINT, THENCE S 88°55'22" W, A DISTANCE OF 203.83' TO A MATHEMATICAL POINT, THENCE N 10°34'55" E, A DISTANCE OF 9.75' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.06 ACRES AS SHOWN AS LOT 4 ON A PLAT TITLED PROPERTY OF MARK T. BLALOCK AND WANDA G. BLALOCK, COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 03/29/19.

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.





- c. **Public Hearing: Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901)***
- i. **Approve Annexation Ordinance***

Mr. Holland explained that this is a request to annex in approximately 111 acres of property off Rogers Road in the corporate City limits. He added that water and sewer are available. Mr. Holland further added that the annexation process has multiple steps and following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process. Staff recommends approval.

Mayor Peterman opened the Public Hearing. Council Member McClure stated that earlier in the day, the Triad Business Journal reported that Shugart Enterprises, LLC had been sold to a company out of Irmo South Carolina. He asked if that might have any effect on this request. City Attorney Bob Ward answered no. 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 an area off Rogers Road, seconded by Council Member Wiggins. All voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR AN AREA OFF ROGERS ROAD (AN1901)

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

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on July 2, 2019, after due notice by publication on June 20, 2019; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of July 31, 2019:

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE
- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE

- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

Section 2. Upon and after July 31, 2019, 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 2nd day of July, 2019.

Requests & Petitions from Citizens:

a. Encroachment License Agreement Request by Jason Cox for property on West Elm Street side of 20 SW Court Square

Mr. Holland explained that Jason Cox has submitted a written request and supporting photos for a proposed grease trap to be installed within the sidewalk on the W. Elm Street side of the property located at 20 SW Court Square. The intent of the grease trap is to serve a future restaurant at the location. An encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. He added that City staff has met and concurs with the proposed location of the grease trap and that Historic Resources Commission approval is not required for this installation. Mr. Holland stated that there is a nominal expense to the City for costs associated with processing and monitoring of the license. He added that staff recommends approval, this proposed project has received all necessary reviews and approvals and there appears to be no conflict within the Right of Way.

Following a brief discussion between Council Members and staff, Mayor Pro Tem Kimrey made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Jason Cox for a proposed grease trap on the W. Elm Street side of the 20 SW Court Square property as identified by the submitted photos with the following condition(s):

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

Council Member McClure seconded the motion and all voted in favor of the motion.

Alamance County Visitors Bureau Presentation – Grace VandeVisser, Executive Director:

Ms. Grace VandeVisser of 204 Single Tree Circle Haw River stepped forward and addressed Council. She presented a power point slide show highlighting the Alamance County Visitors Bureau's strategic plan, business objectives, types of marketing and promotion, occupancy tax collections, economic impact expenditures and regional visitor profile for the Piedmont area.

Council Members asked Ms. VandeVisser about grant availability, the order by which the Bureau's logo lists the cities names and the selection process of businesses/restaurants included in the guidebook.

Issues Not on Tonight's Agenda:

Council Member McClure wanted it known that the Small Area Downtown Plan being released next week is just a preliminary draft.

Mrs. Faucette advised that City Planner Alexa Powell wanted everyone to know that the Façade Grant application process has been opened and details can be found on the City's website.

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

At 8:44 p.m., Council Member Wiggins made a motion to go into Closed Session, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

At 9:31 p.m., Mayor Pro Tem Kimrey made a motion to reconvene the regular meeting, seconded by Council Member McClure. All voted in favor of the motion. Mayor Peterman advised that Council Members had discussed the performance of the City Manager and read the following statement: The entire Council appreciates the City Manager for his hard work during the past year. The past year was a difficult year especially in personnel, funding and the workload for our employees. Upon request of the City Manager, the Council will allow a 3% pay raise for himself to be divided proportionally to the employees in the pay grades 10-12. Those pay grades would include sanitation collector, general maintenance worker I, general maintenance worker II, plant maintenance mechanic I, police traffic enforcement and utility maintenance worker.

Council Member Wiggins stated she believed Mr. Maness is one of the best City Managers in the State of North Carolina. Council Member McClure commended Mr. Maness for all of his hard work. Council Member Turner stated that Mr. Maness has stood tall in the face of trials and tribulations. Mayor Pro Tem Kimrey spoke of Mr. Maness' availability and response times to questions he may have. Mayor Peterman stated he appreciates Mr. Maness every day. All Council Members spoke of Mr. Maness' unselfish decision to give back to the employees within the City.

At 9:35 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
TUESDAY, JULY 9, 2019
9:00 A.M.**

The City Council of the City of Graham met in special session at 9:00 a.m. on Tuesday, July 9, 2019, 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
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Bob Ward, City Attorney
Bryan Coleman, City Attorney

Council Members Absent:

Council Member Griffin McClure

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

City Attorney Bob Ward explained that the purpose of the special meeting was to consider an ordinance to rescind the approval of an annexation ordinance adopted by the Council on July 2, 2019. Mayor Peterman made a motion to adopt an ordinance rescinding the annexation ordinance to extend the corporate limits of the City of Graham, North Carolina for an area off of Rogers Road (AN1901). Seconded by Council Member Wiggins. All voted in favor of the motion.

**ORDINANCE
RESCINDING
ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF
CITY OF GRAHAM, NORTH CAROLINA
FOR AN AREA OFF OF ROGERS ROAD (AN1901)**

WHEREAS, Shugart Enterprises, LLC pursuant to G.S. 160A-31 petitioned the City of Graham to annex certain property off Rogers Road (AN1901); and

WHEREAS, a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on July 2, 2019, after due notice by publication on June 20, 2019; and

WHEREAS, the City Council upon conclusion of the public hearing adopted an Ordinance annexing 111.439 acres as more particularly set forth in the Annexation Ordinance (AN1901) and recorded in the Alamance County Register of Deeds on July 3, 2019 in Book 03892, Start Page 0657 and End Page 0659 which is incorporated herein by reference; and

WHEREAS, it was subsequently discovered that the property described in said Annexation Ordinance (AN1901) had been transferred by deed recorded in Book 03892, Page 0251 and End Page 0255 by Shugart Enterprises, LLC to Clayton Properties Group, Inc. at 1:50:06 p.m. on July 2, 2019 prior to the hearing by the City Council which said deed is hereby incorporated by reference; and

WHEREAS, it appearing that the petitioner, Shugart Enterprises, LLC, at the time of said hearing was not the owner of said property and therefore was not the real party in interest and otherwise without standing to request said annexation at said hearing; and

WHEREAS, Clayton Properties Group, Inc., the legal owner at the time of said hearing would be the proper party to request annexation of said property; and

WHEREAS, the City Council determined that the legal owner of said property not having filed a valid annexation petition and not properly before the City Council, the action by the City Council on July 2, 2019 would not be valid as to the annexation of said property described in (AN1901); and

WHEREAS, the City Council therefore determined that said Ordinance (AN1901) adopted on July 2, 2019 should be rescinded; and

WHEREAS, the City Council at a meeting of this body upon notice duly convened on July 9, 2019 in accordance with the Open Meetings Law (G.S. Section 143-318.12(b)(2)) to consider this matter of the rescission of said Annexation Ordinance (AN1901); and

NOW THEREFORE, the City Council does hereby RESCIND AND REPEAL the action of July 2, 2019 adopting Annexation Ordinance (AN 1901); and said action adopting said Ordinance is otherwise of no effect.

The Mayor of the City of Graham shall direct city staff to take all actions required to give full force and effect to this action and shall cause to be recorded in the office of the Register of Deeds of Alamance County, this ORDINANCE RESCINDING ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF CITY OF GRAHAM, NORTH CAROLINA FOR AN AREA OFF OF ROGERS ROAD (AN1901).

Adopted this, the 9th day of July, 2019.

With no further business, at 9:07 a.m. Mayor Pro Tem Lee Kimrey made a motion to adjourn, seconded by Council Member Chip Turner. All voted in favor of the motion.

Frankie Maness, City Manager

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, AUGUST 6, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 6, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Mary Faucette, Downtown Development Coordinator
Tommy Cole, Fire 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. Approve Minutes – July 2, 2019 Regular Session*
- b. Approve Minutes – July 9, 2019 Special Session*
- c. Approve Tax Releases*

CITY OF GRAHAM				
RELEASE ACCOUNTS				
AUGUST				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
521775	2019	BV 170 LLC	RE IN WRONG NAME - DISCOVERED IN CORRECT NAME	2,880.59
25144	2019	ANDRESS, CHARLES LOGAN	QUALIFIED FOR HOMESTEAD EXEMPTION	179.43
443659	2019	SLOMINSKI, FREDERICK L	QUALIFIED FOR DISABLED VETERAN EXCLUSION	\$204.75
665048	2019	SPRINKLE, ROBERT HARRY	PROPERTY SOLD BEFORE 7/1, REMOVE EXEMPTION AND BILL FULL TAX BILL TO NEW OWNER	\$498.17
678089	2019	CASHION, JOHN EDWARD III	DOES NOT LIVE IN CITY OF GRAHAM-BOAT	\$68.76
678174	2019	REICHENBACH, KENNETH WADE	BOAT HAD WRONG VALUE	\$163.57

- d. Approve Tax Collector's Year End Report*
- e. Approve 2018 Outstanding Tax Listing*
- f. Approve Resolution Authorizing Conveyance of a Chandler and Price Flatbed Printing Press to Elon University Pursuant to G.S. 160A-280*

**RESOLUTION AUTHORIZING CONVEYANCE OF A CHANDLER AND PRICE
FLATBED PRINTING PRESS TO ELON UNIVERSITY PURSUANT TO G.S. 160A-280**

WHEREAS, the City of Graham was donated a Chandler and Price 10" x 15" flatbed printing press through the operation of the Graham Historic Museum; and

WHEREAS, Elon College originally purchased the Chandler and Price 10" x 15" flatbed printing press in 1938 from a Concord North Carolina newspaper. Because of their quick set-up and low production costs, small flatbed or "jobbing" presses, like this widely used Chandler and Price, were a cost effective way to print limited numbers of good quality smaller pieces. It was the second press purchased by the college and was used to print many items that had been printed off campus such as letterhead stationery, event programs, college forms, and tickets.; and

WHEREAS, Louis Jones and Jerry Peterman worked to preserve and restore the printing press; and

WHEREAS, North Carolina General Statute § 160A-280 authorizes the donation of any surplus personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused; and

WHEREAS, the Graham Historical Museum Advisory Board recommends that the Chandler and Price 10" x 15" flatbed printing press be deemed surplus and that it be donated to Elon University.

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The Chandler and Price 10" x 15" flatbed printing press is hereby declared surplus; and
2. The City of Graham hereby conveys to Elon University the Chandler and Price 10" x 15" flatbed printing press subject to agreement that the preservation and restoration efforts of the Graham Historical Museum, Louis Jones and Jerry Peterman be acknowledged.
3. The property herein described shall be conveyed for no consideration.
4. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 6th day of August, 2019.

- g. Approve Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation*
- h. Approve Request from ALCOVETS to close the 100 block of East Elm Street from 5:00 p.m. on Friday, September 13, 2019 through 5:00 p.m. on Sunday, September 15, 2019 for the 2019 DockDogs event, provided the following conditions are met prior to the event::*
 - i. Provide a Certificate of Liability insurance meeting all City requirements*
 - ii. Submit a Temporary Outdoor Sales Permit Application*
 - iii. Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Melody Wiggins asked to pull item "g", while Mayor Pro Tem Lee Kimrey asked to pull items "d" and "e".

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

With respect to item “d”, Mayor Pro Tem Kimrey asked City Manager Frankie Maness what the delinquent tax amount equates to with regard to our tax rate. Mr. Maness stated it would be approximately $\frac{3}{4}$ of a cent on our tax rate. With no further questions forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

With respect to item “e”, Mayor Pro Tem Kimrey asked Mr. Maness how the federal government could owe the City of Graham tax money on real estate. Mr. Maness guessed there might have been an acquisition, potentially a foreclosure, for a property that remained taxable at the time they gained ownership. With no further questions forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

With respect to item “g”, Council Member Wiggins stated that she believes there may be another memorandum of understating already in place for this facility – possibly with the City of Burlington. She asked that staff look into that. She also expressed concern with moving inmates from a secured facility to an unsecured facility. Mayor Pro Tem Kimrey stated that he would like to see an exit clause included in the agreement. With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to postpone this agenda item until next month’s meeting, seconded by Council Member Wiggins. All voted in favor of the motion.

Mr. Tom Boney of the Alamance News stepped forward and asked about item “f” on the Consent Agenda. He inquired as to its origin, how long the City had it and who took action to remove it. Mayor Peterman advised that Elon College was the original owner. The City received the printing press and placed it in the museum. Council Member Wiggins confirmed that by an official vote, the current Historical Museum Advisory Board made the suggestion to the City Council to give it back to Elon College.

Requests and Petitions from Citizens:

a. Encroachment License Agreement Request by John Zheng for a proposed grease trap at 139 West Elm Street

Assistant City Manager Aaron Holland explained that John Zheng has submitted a written request and supporting photos for a proposed grease trap to be installed within the sidewalk at 139 W. Elm Street. He added that the intent of the grease trap is to serve a future restaurant at the location. Additionally, an encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City’s Code of Ordinances. Mr. Holland stated that City staff has met and concurs with the proposed location of the grease trap and Historic Resources Commission approval is not required for this installation. He further added that there is a nominal expense to the City for costs associated with processing and monitoring the license and advised that staff recommends approval.

Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with John Zheng for a proposed grease trap at 139 W. Elm Street as identified by the submitted photos with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.

- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

Council Member McClure seconded the motion and all voted in favor of the motion.

b. Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901):

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

Mr. Holland advised that this is a corrective measure to the approved annexation request submitted by Shugart Homes at last month's meeting. Approval was subsequently rescinded due to the sale of the property by Shugart to Clayton Properties Group. The City has received a request to annex in 111.44 acres on Rogers Road. Tonight's requested action is the first step in a multiple step annexation process.

Council Member Turner asked if there had been any changes to the request, other than the petitioner. Mr. Holland stated there had not. With no further comments forthcoming, Council Member McClure made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a 111.44 acre area on Rogers Road, seconded by Council Member Wiggins.

Council Member McClure made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 111.44 acre area on Rogers Road, the date being September 3, 2019. Council Member Turner seconded the motion and all voted in favor of the motion.

<p style="text-align: center;"><u>RESOLUTION DIRECTING THE CLERK TO INVESTIGATE</u> <u>A PETITION RECEIVED UNDER G.S. 160A-31</u> <u>FOR A 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)</u></p> <p>WHEREAS, a petition requesting annexation of an area described in said petition was received on July 31, 2019, by the Graham City Council; and</p> <p>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</p> <p>WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.</p> <p>NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:</p> <p>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.</p>

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)

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 3, 2019.

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE

- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE
- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

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.

Boyd Creek Pump Station:

- a. Approve Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Lift Station*
- b. Approve Amendment #3 to the Boyd Creek Lift Station Project Ordinance*
- c. Award contract for the Boyd Creek Lift Station to Haren Construction Company, Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City*

Mr. Maness advised that the Boyd Creek Lift Station was originally constructed in 1959 and serves a significant portion of wastewater generated from the northwest section of the City. The age of the station, its susceptibility to flooding and the inability to find replacement parts serves as a great risk to the City's collection system and environment. He added that in August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Mr. Maness informed Council that just today, the Local Government Commission approved the City for an additional \$800,000 in zero interest loan funds to be used for this project. The City conducted two rounds of bidding with the low bid of \$2,763,000 received from Haren Construction. The proposed unit price contract is for 270 days and includes the construction of a new 700 GPM lift station, new bar screen, approximately 500 LF of 18" gravity sewer, and 350 LF of 10" force main.

Council Members and staff briefly discussed the project. Among the areas of discussion were the start date and overall length of the project, penalties for not completing the project on time, payment schedule, impact on the collection system, Haren Construction Company's reputation and awarding the unit price contract.

With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor. Ms. Janice McSherry of 1047 Valley Drive Graham stepped forward to inquire about the specifics of a unit price contract. She expressed concern with escalation costs should the company hit rock. Mr. Maness advised that the City generally does have a contingency in the event a unit price contract exceeds the contract amount.

Mr. Boney stepped forward and asked what the start date would be. Mr. Maness stated that the start date would not begin until the notice to proceed has been issued. He added that happens after the pre-construction meeting has taken place and after various documents related to the project have been signed.

With no further comments forthcoming, Council Member Wiggins made a motion to approve the Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Lift Station, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey made a motion to approve Amendment #3 to the Boyd Creek Lift Station Project Ordinance, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Wiggins made a motion to award the contract for the Boyd Creek Lift Station to Haren Construction Company, Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

**RESOLUTION ACCEPTING GRANT AND LOAN ASSISTANCE FROM THE STATE OF NORTH
CAROLINA FOR CONSTRUCTION OF THE BOYD CREEK LIFT STATION**

WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing wastewater treatment works, wastewater collection systems, water supply systems and water conservation projects; and

WHEREAS, The North Carolina Department of Environmental Quality previously offered a State (SRP) loan in the amount of \$1,837,500 and grant in the amount of \$612,500 from the Water Infrastructure Fund; and

WHEREAS, The City requested an additional \$800,000 in (SRP) loan funds and the North Carolina Department of Environmental Quality has now offered a State (SRP) loan in the amount of \$2,637,500; and

WHEREAS, The City of Graham intends to construct a sewer collection system project described as the replacement of the Boyd Creek Lift Station in accordance with the approved plans and specifications

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

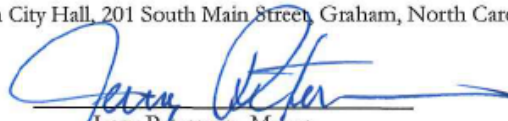
That City of Graham does hereby accept the State (SRP) loan in the total amount of \$2,637,500 and grant in the amount of \$612,500 from the Water Infrastructure Fund.

That the City of Graham does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan and grant offer, Section II-Assurances will be adhered to.

That City Manager Frankie Maness, 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 6th day of August, 2019 at Graham City Hall, 201 South Main Street, Graham, North Carolina.


Jerry Peterman, Mayor


ATTEST:



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 6 day of AUGUST, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this -

6 day of AUGUST, 2019.


Darcy Sperry, City Clerk



AMENDMENT #3 CAPITAL PROJECT ORDINANCE BOYD CREEK LIFT STATION

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

- Section 1. The Project authorized is Boyd Creek Lift Station.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Water/Sewer Fund Balance	\$712,000
State SRP Loan	\$2,637,500
State SRP Grant	<u>\$612,500</u>
	\$3,962,000

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

Professional Services	\$220,000
Back Creek #2 Construction	\$430,000
Boyd Creek Lift Station Construction	\$3,250,000
Loan Fees	<u>\$62,000</u>
	\$3,962,000

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

This the 6th day of August, 2019.


Jerry Peterman - Mayor

ATTEST:


Darcy Sperry, City Clerk



Downtown Small Area Plan Update:

Mr. Maness presented Council with an overview of how we got here, where we go from here and what we have not seen concerning the Downtown Small Area Plan. He explained that this has been in the works for approximately five years, beginning with the Graham 2035 Comprehensive Plan. The plan balances many different issues: safety, hydrology, infill development and redevelopment, stormwater infrastructure or lack thereof, parking, commercial traffic, water & sewer infrastructure, accessibility, fire protection, aesthetics and walkability. Mr. Maness explained that last year, the NCDOT submitted their resurfacing schedule to the City. Recognizing we have aging infrastructure and other issues in the downtown area, at the City's request, NCDOT agreed to delay resurfacing project.

Mr. Maness advised that there has not yet been a plan submitted to the City. He anticipates the City will receive a draft copy of the plan sometime this month. At that time, the proposed draft plan will be reviewed and then submitted to Council for approval. Mr. Maness added that the most significant portion of the forthcoming plan is getting little if any attention. That is to provide us with an understanding of the needs surrounding our critical infrastructure that includes a rational and sequential approach to improvements that balances the issues previously mentioned. Mr. Maness stated this it is his opinion that if we lose sight of and fail to maintain critical infrastructure, nothing else matters. He stated things are more cost effective and efficient when addressed with a holistic approach. He once again reminded everyone that we have not seen a draft plan, fiscal notes, phasing plan, regulatory suggestions or requirements, nor has there been a staff critique.

Council Members spent time asking Mr. Maness about parking spaces affected by ADA compliance, sewer service in the downtown area, the cost benefit to the City by getting out ahead of NCDOT's resurfacing project and their timeline, and overall fire safety in the downtown area. Graham Fire Chief Tommy Cole and Council Members discussed flow testing requirements for the fire hydrants located downtown and the placement of fire hydrants in that area.

Mr. Boney stepped forward and expressed concern with the lack of a written report, yet the City advertised a "reveal" for the plan. He also expressed concern with the slides shown at the "reveal" differing from what was presented tonight concerning infrastructure. Mayor Peterman advised that the report is not done yet and we are giving the consultants time to submit a plan. He also reiterated that the whole reason for this plan was to slow down NCDOT's paving schedule. Mayor Pro Tem Kimrey reminded everyone that this plan was a requirement by NCDOT and could save the City of Graham hundreds of thousands of dollars by replacing old infrastructure before paving occurs. Mr. Boney asked if there is any expectation that NCDOT will be paying for any of the infrastructure improvements. Mr. Maness stated that traditionally, they do not pay for water and sewer. He did state that there might be a possibility for financial assistance with stormwater/sewer.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and stated he does not believe there is an issue with the infrastructure in the downtown area.

Issues Not on Tonight's Agenda:

The following individuals expressed concern with the Downtown Small Area Plan:

Judy Ward – 483 W. Moore St. Graham	Ronnie James – 1619 Wedgewood Dr. Graham
Wendy Cates – 618 Tranquil Ct. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Patrick Miller – 716 Trollinger Rd. Graham	Travers Webb – 619 E. Harden St. Graham
Janice McSherry – 1047 Valley Dr. Graham	Chuck Talley – 808 Sideview St. Graham
Shelly White – 111 N. Main St. Graham	Lucas Green – Petty Rd. Graham
Jennifer Talley – 808 Sideview St. Graham	Ben Barnhill – 404 Forest Dr. Graham
Jill Bullis – 500 Wildwood Ln. Graham	Roger Ausley – 300 S. Main St. Graham
Darlene Morgan – 10 NE Ct. Sq. Graham	Richard Shevlin – 510 Wildwood Ln. Graham
Tom Boney – Alamance News	Sharon Boger – 924 Hillcrest Ave. Graham
Nikki Smith – 402 S. Maple St. Graham	Jason Varner – 801 N. Main St. Graham

Mrs. Talley presented Council with signed petition sheets titled: “Support our local Businesses; They need to keep their loading zones & existing pull in parking”. Additionally, she passed out a packet that included various pictures and ideas of what she would like to see.

Downtown Development Coordinator Mary Faucette updated Council on a letter recently received from the North Carolina Main Street Organization. The letter indicated that they are waiting for the budget to pass before selecting and awarding funds within the Downtown Associate Community Programs.

Council Member McClure addressed the conceptual drawings for the Small Downtown Area Plan. He stated that as a downtown business owner, parking and loading zones are important to him. He expressed concern with the phrasing used for the unveiling of the plan, stating we may have not gotten that right. He reminded everyone that what people have seen are conceptual drawings by third party consultants. Council Member McClure stated that there are pedestrian aspects of this plan that he likes, specifically mentioning condensing roadways, slowing down traffic, streetscape, walkability and encouraging people to walk from business to business.

Mayor Pro Tem Kimrey agreed with Council Member McClure’s comments about the phrasing of the plan reveal. He stated that this is a legislative process in which this Council is going to make fit our community. Pro Tem Kimrey stated that this Council is not going to do anything that will intentionally hurt business. He added that we cannot continue to grow in the downtown area without infrastructure improvements.

At 8:59 p.m., Mayor Pro Tem Kimrey 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, SEPTEMBER 3, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 3, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Pro Tem Lee Kimrey
Council Member 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
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Kristy Cole, Assistant Police Chief
Jenni Bost, Zoning Enforcement Officer

Council Member Absent:

Mayor Jerry Peterman

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

Mayor Pro Tem Kimrey asked for consensus to move “Items Not on Tonight’s Agenda” before the “Closed Session” portion of this meeting. Consensus was given.

Consent Agenda:

- a. Approve Minutes – August 6, 2019 Regular Session*
- b. Approve Tax Releases*

CITY OF GRAHAM				
RELEASE ACCOUNTS				
SEPTEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
29710	2019	SCOGGINS, GARY DEAN	SOLD PROPERTY, RELEASE HOMESTEAD EXEMPTION	209.50
639120	2019	BARKER, THERESA G	QUALIFIED FOR HOMESTEAD EXEMPTION	415.82
661071	2019	SHORT, JOHNNY LEE REVOC TRUST	BUSINESS PP BILLED TO WRONG TAXPAYER	\$170.68
668940	2019	TOMLIN, LILLY O	QUALIFIED FOR HOMESTEAD EXEMPTION	\$501.87
470487	2019	PERRY, EVERETT S. JR	QUALIFIED FOR HOMESTEAD EXEMPTION	\$376.48
667244	2019	HARDIE, JANET L LIFE ESTATE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$201.56
674675	2019	TRAILHEAD CHURCH (P# 134454)	CHURCH EXEMPTION 85% OF PROPERTY	\$1,100.56
674675	2019	TRAILHEAD CHURCH (P# 134731)	PARTIAL CHURCH EXEMPTION-APPLIED LATE	\$65.60
678688	2019	BUCHANAN, SILVIA	QUALIFIED FOR HOMESTEAD EXEMPTION	\$279.56

- c. Approve Request from Graham First United Methodist Church to close East Market Street from 3:00 p.m. – 8:00 p.m. on Sunday, October 27, 2019 for a Community Event, provided the following conditions are met prior to the event::*
 - i. Provide a Certificate of Liability insurance meeting all City requirements (received)*
 - ii. Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Pro Tem Kimrey asked Council Members if they would like to pull any of the items from the Consent Agenda. With no comment forthcoming, he asked to pull item “c”.

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

With respect to item “c”, Mayor Pro Tem Kimrey asked City Manager Frankie Maness to explain the requirement for the Extra Duty Solutions process. Mr. Maness explained this is a program that schedules various personnel for events. The City’s Police Department recently started participating in the program. Assistant Police Chief Kristy Cole stated that the agreement with Extra Duty Solutions takes the scheduling of any extra duty assignment off her department. A brief discussion about when we started using Extra Duty Solutions, cost and billing ensued.

Mayor Pro Tem Kimrey opened the discussion to the floor. Mr. Barry Coe of 214 North Marshall Street Graham stepped forward and asked if there is a price negotiation option available. He also asked if there is an option to have officers from other agencies volunteer their time to a charity event vs. paying Extra Duty Solutions. Assistant Chief Cole advised that one would still have to go through Extra Duty Solutions to make sure of availability and that officers do have the option of donating their pay back to the charity if they so choose.

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

Old Business:

- a. **Public Hearing: Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901):***
 - i. **Approve Annexation Ordinance***

Assistant City Manager Aaron Holland explained that this request is to annex in approximately 111 acres off Rogers Road. He added that this property was actually annexed in back in July of 2019 and subsequently Council rescinded that annexation due to a change in ownership of the property. Mr. Holland added that this is the final step in the annexation process.

Mayor Pro Tem Kimrey opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for an area off Rogers Road, seconded by Council Member McClure. All voted in favor of the motion.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR AN AREA OFF ROGERS ROAD (AN1901)

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 3, 2019, after due notice by publication on August 22, 2019; 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 30, 2019:

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE
- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE

- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

Section 2. Upon and after September 30, 2019, 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 September, 2019.

b. Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation
i. Approve Memorandum of Understanding

Mr. Maness explained that at the last meeting, Council and staff discussed this mutual aid agreement with the County. Since the last meeting, staff has had the opportunity to sit with representatives from the Sheriff's Department and County Emergency Management. He stated that while there are other agreements with other entities for the use of the Center, he was reassured that the City of Graham makes all final decisions on who uses our Recreation Center.

Council Members and staff briefly discussed the agreement before Captain Sykes with the Alamance County Sheriff's Office joined the discussion. Captain Sykes advised that his department has an emergency response plan in place. Due to the confidential nature of this plan, he was not at liberty to discuss the details with Council. He did offer that most of the time, they would be looking to evacuate the jail for a structure fire or bomb threat and not during a natural disaster event. He assured Council Members that security would be at the highest level if inmates had to be housed at the Recreation Center for any length of time. Captain Sykes stated that to date, they have never had to evacuate the jail.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and asked if in the event of a mass arrest, would the Center be used. Captain Sykes answered no.

With no further questions forthcoming, Council Member McClure made a motion to Authorize the City Manager to execute a Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation with the addition of an exit clause. Council Member Wiggins seconded the motion and all voted in favor of the motion.

c. Boards & Commissions Task Force Update

Council Member Wiggins provided Council with an update of what the Task Force has been working on to date. She advised that the group has been working on making language in the Code of Ordinances and Development Ordinances similar for all boards and commissions. She anticipates that this should be done within the next couple of months and recommendations will be reviewed by the City Attorney's before being presented to Council.

Requests and Petitions from Citizens:

a. Encroachment License Agreement Request by Paul Crofts to extend the front façade at 135 South Main Street

Mr. Holland explained that this request is to allow the City Manager and City Attorney to enter into an encroachment agreement with Mr. Paul Crofts. According to the letter submitted, this request is to extend the front façade by one foot from the existing front wall. Mr. Holland added that City staff has met with Mr. Crofts at the location and he has been informed that approval from NCDOT will also be required. The Historic Resources Commission granted a Certificate of Appropriateness for this property at their August 13, 2019 meeting.

Council Members and staff briefly discussed the encroachment process in general and the role that NCDOT plays in the process. City Attorney Bryan Coleman advised that the City has the authority to ask for an encroachment to be removed. With no further discussion forthcoming, Mayor Pro Tem Kimrey opened the discussion to the floor.

Mr. Crotts stepped forward and explained that he was making this request because of marketing requirements by La-Z-Boy, whom he sells product for.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and stated that he believes City approval sends a strong message to NCDOT.

With no further comments forthcoming, Council Member Wiggins made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Paul Crotts to extend the front façade at 135 S. Main Street as identified by the submitted photos with the following condition(s):

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

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

Recommendations from Planning Board:

a. Public Hearing: RZ1902 Roll Ward Street. Application by Jensen Roll to rezone approximately 0.25 acres from R-12 to R-7 (GPIN 8884130286)

Planning Director Nathan Page explained that this property is surrounded by residential properties and across the street from the rear of the Children's Museum. This request is to rezone the property to R-7. He added that the stated reason for the rezoning is "Current zoning is larger than the existing lot and I would like to decrease setbacks." The property appears to be under the required 12,000 square feet for the R-12 zoning. Mr. Page advised that both staff and the Planning Board recommend approval.

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

Mr. Roll of 414 South Maple Street Graham stepped forward and explained that this request is to bring this property into compliance and offer more flexibility with the property.

With no further comments forthcoming, Council Member McClure made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: This is in accordance with Strategies 4.3.1 and 5.2.1. Council Member Wiggins seconded the motion and all voted in favor of the motion.

b. Public Hearing: RZ1903 Albany Street Duplex. Application by Cheaper Homes LLC to rezone approximately 0.25 acres from B-2 to R-7 (GPIN 8874850468)

Mr. Page explained that this property is surrounded by commercial properties. This request is to rezone the property to R-7. He added that the stated reason for the rezoning is “Use lot for 2 single homes.” The property appears to be under the required 11,000 square feet for two single family homes within the B-2 zoning.

Council Members and staff briefly discussed whether or not this request is compliant with The Graham 2035 Comprehensive Plan, as well as, the recommended denial by both the staff and the Planning Board. Council Member discussed spot zoning. With no further discussion forthcoming, Mayor Pro Tem Kimrey opened the Public Hearing.

Mr. David Kudron of Cheaper Homes LLC stepped forward to address Council. He passed out pictures of the existing dwellings on the property and he stated that his plan is to build two single family homes if this rezoning is approved. He stated that he believes the dwellings will sit there and deteriorate if this request is not approved. Mayor Pro Tem Kimrey expressed concern with the effect on the surrounding B-2 properties should this request be approved.

Mr. Norman Thomas of 4205 Alloway Place Fayetteville stepped forward to address Council. He stated this property belonged to his uncle and had been occupied until June 2017. He expressed concern that the reason for denial by the Planning Board was because the applicant was not present at that meeting. Mr. Thomas, the executor of his uncle’s estate, stated that he believes rezoning this property would improve the appearance of the property and add tax value to the City. Mayor Pro Tem Kimrey advised that when there are questions by the Planning Board and the applicant is not present, denial may be justified. With no further comments forthcoming, Mayor Pro Tem Kimrey closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the application be denied, the application is not fully consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: In accordance with Policy 2.2.1 and Strategy 4.3.1, this rezoning will restrict the development potential of this lot, as well as negatively impact an adjacent lot. Council Member Wiggins seconded the motion. Council Member McClure stated that he would like to see this matter tabled, to allow time to further research spot zoning. Following another brief discussion by Council Members, Council Members voted on the motion on motion made. Ayes: Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Council Member Turner and Council Member McClure. Motion failed.

Council Member McClure made a motion to table this item, seconded by Council Member Turner. Ayes: Council Member McClure and Council Member Turner. Nays: Mayor Pro Tem Kimrey and Council Member Wiggins. Motion failed. Mr. Coleman advised that with no favorable motion, the request died.

c. Public Hearing: AM1903 Banquet Hall. Application by Aneesa Glines for a text amendment to permit banquet halls with the business and industrial districts

Mr. Page explained that this request is to permit banquet halls within the light industrial zoning districts. Staff looked at the use “banquet hall” and added a recommended definition, as well as, included business parcels, all of the conditional parcels and the office & institutional parcels to the recommendation to amend the Table of Permitted Uses.

Following a brief discussion between Council and staff regarding the B-3 zoning district, Mayor Pro Tem Kimrey opened the Public Hearing.

Mrs. Aneesa Glines of 205 West Harden Street stepped forward to address Council. Mrs. Glines informed Council that she is a wedding planner who recently purchased the property at 205 West Harden Street. She presented a PowerPoint presentation depicting “inspirational photos” for a proposed wedding and event venue.

Council Member McClure asked why the request was to amend our Development Ordinance and not for a Special Use Permit. Mr. Page advised that a Special Use Permit is requested when something might be considered injurious to adjacent neighboring property. After discussing this request with the applicant, it was determined that it might be easier for the applicant to go this route and be able to speak directly to the Council and staff at all stages, versus going the quasi-judicial route. Mayor Pro Tem Kimrey asked the applicant if she was going to leave the industrial look of the building, to which Mrs. Glines replied yes.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and expressed concern for the lack of off street parking for this property.

With no further comments forthcoming, Council Member 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 2035 Plan, in Strategy 1.2.3, 2.1.5, and Policy 2.3.1 recommends increasing tourism opportunities within the downtown area of Graham. Council Member Wiggins seconded the motion. Mayor Pro Tem made a motion to amend the motion to eliminate the B-3 zoning district, seconded by Council Member Wiggins. All voted in favor of the amended motion.

d. Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692) Item tabled by Planning Board 8/20/19

Mayor Pro Tem Kimrey advised that the Planning Board tabled this item and it was suggested that Council not open the Quasi-Judicial Public Hearing and take on evidence. Upon the direction by Mr. Coleman, Mayor Pro Tem Kimrey asked for a vote to not open the Public Hearing and wait for a recommendation from Planning Board. All voted in favor.

Downtown Small Area Plan Update:

Mayor Pro Tem Kimrey asked Mr. Coleman to read a prepared statement about Financial Conflict of Interest. Mr. Coleman read the following statement:

Financial Conflict of Interest

“I am going to start my response by reading, in part, NCGS 160A-75 entitled VOTING- “No member shall be excused from voting except upon matters involving the consideration of the member’s own financial interest...” This statute demonstrates a strong public policy for council members to vote. If there is a clear financial impact, positively or negatively, that would influence the council member’s vote, the council member may consider requesting the Council to recuse them.

Any financial impact is not the standard for determining whether a council member should be excused from voting. In each case, it will depend on the particular set of facts. We have received some guidance regarding financial conflicts of interest from the School of Government. It states as follows:

“Number of People Affected The range of financial impact on board members can be thought of as a continuum based on the extent to which the effect is unique to the board member, on one end of the spectrum, or experienced by many or most citizens, on the other end. If the effect on the board member is the same as the effect on a significant number of citizens, then it is fair to allow the individual to vote. The board member is affected as part of a larger group of citizens, and the vote can serve to represent that group. This is perhaps the most important factor. Even a significant financial effect may not be disqualifying if it is one that is universally or widely experienced by citizens in the jurisdiction.”

Again, with the statute and the information from the School of Government read together, it is clear that public policy is intended to allow a member to vote if at all possible.”

Mayor Pro Tem Kimrey polled the Council for any conflicts of interest in this matter. Council Member McClure disclosed that he does have financial implications involved with the loading zones, which would directly affect his business and the need to offsite warehouse. He added that he felt that if Council works through the plan and consider the suggestions he would recommend, he would demonstrate impartiality. He added that the financial implications would be nominal to his business. By consensus, Council voted that Council Member McClure would not have to be recused.

Mr. Tom Boney of the Alamance News stepped forward and hand delivered a letter to each Council Member, Mr. Maness, Mr. Coleman and City Clerk Darcy Sperry. The letter was a request to have City Attorneys consult with the State Ethics Commission to examine whether certain City Council Members who own property or operate businesses in the downtown area have a conflict of interest in voting on various aspects of the Downtown Plan. Mayor Pro Tem Kimrey advised that Council had attempted to do due diligence by reaching out to the North Carolina School of Government and legal counsel.

Mr. Page explained that the City contracted with Toole Design Group to make recommendations for a Downtown Plan. The most significant portion of the proposed plan is to provide us with an understanding of the needs surrounding our critical infrastructure that includes a sequential approach to improvement that balances all of the pertinent issues to our city. If approved by the City, the plan shall be binding to NCDOT.

Mr. Chris Lambka of Toole Design Group stepped forward to address Council. Mr. Lambka presented Council with a PowerPoint slide presentation outlining their proposed Downtown Master plan. The presentation included the purpose of the plan, the meaningful engagement process, the recommendations provided in the plan, as well as implementation strategies and a phasing schedule. Mr. Lambka advised that this proposed plan was to provide a future path forward for the City, but does not lock the City into the guiding document that it is.

Council Member McClure expressed concern with the proposed roundabout on South Main Street and asked what load of traffic takes a single lane to a multilane roundabout. Mr. Lambka stated that the NCHRP 672 was used as a guiding document. He stated that the intent is to encourage motorists to take advantage of alternate routes to navigate through the downtown area. He stated that future studies may have to be done, but preliminary studies say that a single lane roundabout will hold the capacity needed for the roadway. Council Member McClure asked about a recent NCDOT document regarding cost sharing with the complete street programs and what might be considered pedestrian facilities.

Mr. Page stated that a pedestrian facility might be a shared use path which is included in the plan or all facilities which pedestrians need to use. Concerning cost sharing, Council Member McClure asked if NCDOT would still recognize an adopted plan if Council were to amend it after adoption. Mr. Lambka advised that NCDOT would have to be consulted. Council Member McClure inquired as to where we are in the contract process. Mr. Lambka advised that Toole Design Group has stated from the beginning that they want to be here for the City, not only now, but into the future as well. He added that with the current contract with the City, they are nearing the end with producing a plan. Mr. Lambka stated that this plan is a guiding document that creates a vision and tries to move the City forward. He added that this plan can be amended and changed as the City moves forward into design.

Council Member Turner also inquired about the roundabout proposed for South Main Street, asking what the chances are for NCDOT to actually put one there. Mr. Lambka advised that they have had multiple meetings with NCDOT experts and they were excited about this plan. He added that roundabout's are safer than traditional intersections. Council Member Turner expressed concern with possibly bottlenecking traffic on South Main Street. Mr. Lambka advised that Toole Design Group will have to perform more studies on that, but the preliminary traffic study done says it will work. Council Member Turner expressed concern with Council voting on something that still needs more studies. Mr. Lambka advised that those studies will get more into the weeds of design versus a plan to guide the future. Council Member Turner and Mr. Lambka briefly spoke about valley curb versus tradition curb.

Mayor Pro Tem Kimrey asked Mr. Lambka to explain why all of this is happening. Mr. Lambka referred to the City's aging infrastructure in the downtown area and the benefit of upgrading infrastructure while the asphalt is already open. He also spoke of the benefit of getting a plan adopted so that the City has some control of how NCDOT will come through and resurface roadways. Mr. Lambka pointed to the overall need for safety in the downtown area as well. Mayor Pro Tem Kimrey pointed out that without a plan, the City cannot get in front of the NCDOT repaving and cannot put in water and sewer improvements, which are slated as short-term capital improvements. Mayor Pro Tem Kimrey expressed concern with the cost to taxpayers if we do not have a plan and in 2-3 years have to go in and rip up roadway to make water and sewer improvements. Mayor Pro Tem Kimrey pointed out that the City has had a roundabout in place for years at Court Square. Mr. Lambka stated that Court Square could be considered a glorified roundabout, but it is actually referred to in the industry as a traffic circle. Mayor Pro Tem Kimrey asked if the intent of the proposed roundabout at McAden Street is to divert those vehicles who do not wish to come downtown. Mr. Lambka advised that is the case. Mayor Pro Tem Kimrey and Mr. Lambka briefly spoke of the possibility of creating more parking between McAden Street and Pine Street, as well as, from Pine Street to Court Square with the installation of roundabouts. Mayor Pro Tem Kimrey reminded everyone that this is not an engineered plan, but rather a conceptual one and asked Mr. Lambka about the next phase should this plan be adopted. Mr. Lambka advised that the City continue conversations with NCDOT and encouraged the City to conduct catalyst projects, such as temporarily restriping Court Square and setting up a pocket park in Court Square. He suggested the pocket park be set up for at least 30 days in an effort to gather Court Square activity. Mayor Pro Tem Kimrey and Mr. Lambka briefly discussed engineering and NCDOT's requirements for parking. Mayor Pro Tem Kimrey and Mr. Page briefly talked about public engagement questionnaires that show safety as a high priority with those who wish to travel, walk and shop in our downtown area. Mayor Pro Tem Kimrey talked about the complete streets concept being a statewide initiative for NCDOT.

With no further comments forthcoming, Mayor Pro Tem Kimrey opened the discussion to the floor. The following individuals stepped forward to address the Downtown Master Plan with Council Members:

Roger Ausley – 300 S. Main St. Graham	Rachel Rogers – Sam Lee Rd. Graham
Molly Fudell – 103 N. Main St. Graham	Janee' Farrar – 114 E. Harden St. Graham
Nate Perry – 201 S. Maple St. Graham	Jordan Conklin – 626 Johnson Ave. Graham
Eric Crissman – 208 Albright Ave. Graham	Jason Cox – 200 N. Main St. Graham
A.O. Carmichael – 314 S. Marshall St. Graham	Tony Holt – 327 E. Elm St. Graham
James Gullede – 3078 Cullens Dr. Graham	Chuck Talley – 808 Sideview St. Graham
Travers Webb – Harden St. Graham	Scott Pickard – 101 Southwood Ct. Graham
Ahmet Cloggy – 115 N. Main St. Graham	Jennifer Talley – 808 Sideview St. Graham
Jeff Leimberger – 213 N. Melville St. Graham	Nicki Smith – 402 S. Maple St. Graham
Bonnie Hutchinson-213 N. Melville St. Graham	Marcy Green – 133 E. Davis St. Burlington
Ann Meletzke – Healthy Alamance	Jan Searls – 526 E. Pine St. Graham
Cary Worthy – 110 Albright Ave. Graham	Elaine Murrin – 1213 Raspberry Run Graham
Gail Miller – 425 Wildwood Dr. Graham	Adam Miller – 921 Hanford Rd. Graham
Paul Harden – 16 NE Ct. Square Graham	Jose Lagunas – 120 S. Main St. Graham
Fred Sternberg – 38 SE Ct. Square Graham	Darlene Morgan – Ct. Square Graham
Jack Williams (no address provided)	Jensen Roll - 414 S. Maple St. Graham
Mark Blalock – 4408 Mt. Hermon Church Rd. Graham	Paul Crotts – 135 S. Main St. Graham

Mrs. Talley presented a petition to Mr. Maness.

Mayor Pro Tem Kimrey made a motion that we adopt the Downtown Master Plan as a guide to plan for the future of the Downtown in the City of Graham with the following conditions:

- This plan highly recommends keeping pull in parking on west and east elm st where possible
- This plan highly recommends maintaining non-restrictive loading zones as close to current as possible
- This plan highly recommends the most yield of 40 angle pull in spaces around the exterior of Court Square while exploring interior parking options also
- This plan eliminate the idea of a splash park around the courthouse
- This idea recommend the fire suppression riser system during water upgrades in the downtown.

Council Member Wiggins seconded the motion.

Mayor Pro Tem Kimrey stated that this plan is a moving target but we need to get in front of NCDOT paving. The recommendations in his motion calls for a net increase in parking. Council Member McClure stated that this plan needs changes made and would like to see a work session before adoption. Council Member Wiggins expressed concern that people may not understand what a conceptual plan is. She stated that we cannot do anything until a plan is adopted. She stated that this plan is merely conceptual and does not have details. She encouraged people to continue talking and stated that this Council is working to better this community. Council Member McClure expressed concern that once adopted, we do not have a mechanism in place to make changes. Council Member

Wiggins stated that we have to take the first step. She added there are some things in this plan she likes, and some things she does not like.

Council Member Turner stated that he agrees with Council Member McClure. He expressed concern with roundabouts, trees and parking around Court Square. He would like to see a work session as well. Council Member Turner is concerned with a plan that makes changes that never get done.

Ayes: Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Council Member McClure and Council Member Turner. Motion failed 2:2.

Council Member McClure made a motion to table the decision in adopting this plan and ask the City Clerk to work on scheduling a work session before the next meeting, seconded by Council Member Turner.

Council Member McClure stated that he cannot see the logic with being hasty in adopting this plan. He wants to get this plan the best Council can get it before adopting it. He stated that he wants a plan Council can pass.

Ayes: Council Member McClure and Council Member Turner. Nays: Mayor Pro Tem Kimrey and Council Member Wiggins. Motion failed 2:2.

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

Code of Ordinances:

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

Mr. Holland explained that the City currently has a process described in the Code of Ordinances that requires a permit for anyone wanting to make any opening in any street or sidewalk. This has proven to be insufficient due to utility work being performed not necessarily within the street or sidewalk, but along these areas within the right-of-way. This has created issues with our Public Works and Utilities departments by not being properly informed of work being done and ultimately causing conflicts in the field delaying projects or damaging City infrastructure. Staff has researched communities to evaluate language that would require a permit for any work within the City right-of-way as well as create an application that would be sufficient for the work performed. Staff recommends approval.

Council Member Turner and Mayor Pro Tem Kimrey expressed some concern with the proposed language in this request. Council Member Turner asked about the possibility of requiring an encroachment for repair agreement and provide an indemnity bond. Mr. Holland stated it would be hard to do a blanket encroachment agreement. Mayor Pro Tem Kimrey expressed concern that the proposed language doesn't clearly state what triggers the permit process.

Mr. Talley of 808 Sideview Street Graham stepped forward and asked where in the City is this geared towards. Mr. Maness replied within the corporate limits. He asked if people could not just call 811. Mr. Maness explained that the City is not always notified when someone is digging in the City's right-of-way and this is an attempt to avoid those situations. Mr. Holland advised that our current ordinance references an application, which we currently do not have.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to table this matter until we can better define language that clears up concerns brought forth, seconded by Council Member McClure. All voted in favor of the motion.

b. First Reading: Approve Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to delete requirement of the City to store removed junk debris for seven days

Mr. Holland explained that this request was to make a small change to an ordinance we already have in our Code of Ordinances concerning junk debris. After evaluating the current language, City staff is recommending amending Sec. 12-71 (1) which references the abatement of nuisances by removal of junk debris. The requested amendment is to delete an antiquated requirement of the City to store removed items for seven days. Mr. Holland added that this will allow for a more effective abatement process of junk debris removal from properties refusing to comply by allowing the option for the City to dispose of junk nuisances more expeditiously.

Council Members and staff briefly discussed how often we hold junk debris. Mr. Holland stated he is unaware of that happening during his tenure with the City. Zoning Enforcement Officer Jenni Bost stepped forward and addressed Council. She stated that the reason for this ordinance change is for those who do not show any desire to remove debris and/or clean up their property. Mr. Holland advised that issuing fines/citations is not cleaning up properties. Mayor Pro Tem Kimrey asked Mr. Coleman about the legal ramifications of disposing of personal property. Mr. Coleman advised that the City is within its right to do so, provided ample notification is given.

Mr. Pickard stepped forward and stated he is in support of staff's recommendation.

Mr. Dean Ward of 1143 Challenge Drive Graham stepped forward and stated that he believes there is a North Carolina General Statute requiring the holding of personal property.

Mrs. Talley stepped forward and expressed concern with the mailing of notices regarding junk debris. She stated that she does not believe landlords should be held responsible for what their tenants throw out. Mr. Holland advised that what Mrs. Talley is referring to is handled in a different part of the Code of Ordinances.

With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to table this item, seconded by Council Member Turner. Mayor Pro Tem Kimrey expressed concern from a legal standpoint and would like further research done. Council Member McClure agreed. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Mr. Ron James stepped forward and expressed concern with the possibility of allowing someone from outside the City of Graham to serve on a City of Graham Board or Commission. Council Member Wiggins advised that there are several current boards and commissions that allow for non-residents of the City to serve.

Mr. Boney stepped forward and expressed concern with a recent public records request he made. He stated that he believes he was not given everything he asked for. Mr. Maness advised that all information had been turned over to Mr. Boney.

Closed Session:

At 11:36 p.m., Mayor Pro Tem Kimrey made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation. Council Member Wiggins seconded the motion and all voted in favor of the motion.

At 12:07 a.m. on September 4, 2019, Mayor Pro Tem Kimrey made a motion to close the Closed Session and reconvene the Regular Session. Council Member McClure seconded the motion and all voted in favor of the motion.

Mr. Maness advised that Council has directed him to follow through with the potential acquisition of this parcel.

At 12:09 a.m., Council Member Wiggins made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk

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

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

Council Members Present:

Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

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

Council Members Absent:

Mayor Jerry Peterman & Council Member Chip Turner

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

Old Business:

a. Downtown Master Plan:

i. Adopt Downtown Master Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Requests and Petitions from Citizens:

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

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

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

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

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

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

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

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

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

Issues Not on Tonight's Agenda:

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

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

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

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

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 1, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 1, 2019, 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 Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator

Council Member Absent:

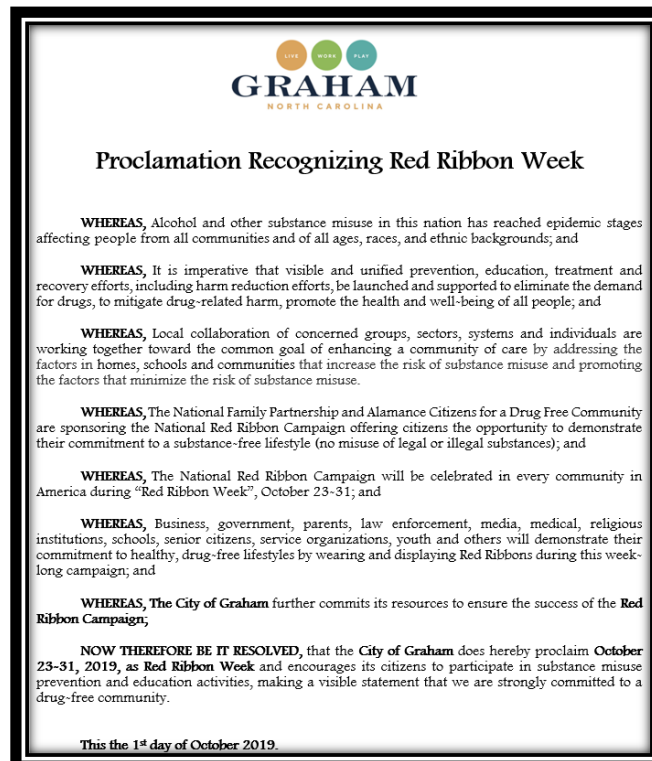
Council Member Chip Turner

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

Honorary Proclamation:

➤ *Red Ribbon Week*

Mr. Albright gave a brief history of the Red Ribbon Campaign and introduced Graham High School Teacher P.J. Michaelson. Mr. Michaelson introduced student body president Genesis Wilkins, senior class president Emmanuel Sanchez and sophomore class president Ismael Castillo. The students took turns reading the proclamation and handed out red ribbons to members of the Council.



Consent Agenda:

- a. *Approve Minutes – September 3, 2019 Regular Session*
- b. *Approve Minutes – September 18, 2019 Special Session*
- c. *Approve Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 213 S. Main Street Pursuant to G.S. 160A-272*

RESOLUTION DECLARING INTENT TO LEASE CITY-OWNED SURPLUS REAL PROPERTY LOCATED AT 213 S. MAIN STREET PURSUANT TO G.S. 160A-272.

WHEREAS, the City of Graham owns a certain piece of real property located at 213 S. Main Street, commonly referred to as the Captain White House; and

WHEREAS, the City deems the property surplus for the purposes of its own utilization and has previously entered into a lease with Alamance Arts; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes that any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine; and

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The property will not be needed by the City for the term of the proposed lease; and
2. The City Council intends to authorize the lease at its next regular meeting on November 5, 2019; and
3. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

Adopted this 1st day of October, 2019.

- d. *Approve Request by Alamance Arts for the closure of two (2) parking spaces immediately south of the Alamance County Historic Court House from October 18, 2019 through March 31, 2020 for the Embracing Peace sculpture display*
- e. *Approve Resolution Authorizing Conveyance of 20 Self Contained Breathing Apparatus (SCBA) Air Packs and 58 Self Contained Breathing Apparatus (SCBA) Bottles to the Graham High School Fire Program Pursuant to G.S. 160A-274*

RESOLUTION AUTHORIZING CONVEYANCE OF 20 SELF CONTAINED BREATHING APPARATUS (SCBA) AIR PACKS AND 20 SELF CONTAINED BREATHING APPARATUS (SCBA) BOTTLES TO GRAHAM HIGH SCHOOL FIRE PROGRAM PURSUANT TO G.S. 160A-274

WHEREAS, the City of Graham owns 20 Self Contained Breathing Apparatus Air Packs (Inventory Control # 1450, 1451, 1452, 1453, 1454, 1455, and 1456) and 58 Self Contained Breathing Apparatus Bottles (Inventory Control # 1311, 1323, and 1352)

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Graham has determined that it is in the best interest of the City to convey 20 Self Contained Breathing Apparatus Air Packs and 58 Self Contained Breathing Apparatus Bottles to the Graham High School Fire Program, and deems it wise to do so for no consideration.

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The City of Graham hereby conveys to the Alamance-Burlington School System, Graham High School Fire Program the following property: 20 Self Contained Breathing Apparatus Air packs (Inventory Control #: 1450, 1451, 1452, 1453, 1454, 1455, and 1456) and 58 Self Contained Breathing Apparatus Bottles (Inventory Control #: 1311, 1323, and 1352), subject to agreement that the aforementioned property not be used or conveyed for the purposes of firefighting activities immediately dangerous to life and health (IDLH).
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 1st day of October 2019.

Mayor Pro Tem Lee Kimrey made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Old Business:

a. Downtown Master Plan

Mayor Peterman informed everyone that he would be asking for a consensus from Council concerning the proposed Downtown Master Plan. He eluded to some of the same similarities and challenges we have today with what the City faced 40 years ago, when DOT last paved. Mayor Peterman stated that we gained a map of infrastructure placement and time from DOT from hiring consultants to provide us with this proposed Plan.

Mayor Peterman asked Council for consensus that we end discussion of the Downtown Small Area Plan, only make changes to the downtown for: (1) fire and pedestrian safety, (2) infrastructure needs, (3) ADA needs, (4) DOT regulations.

Mayor Pro Tem Kimrey stated he was pleased that we were able to get water and sewer improvements approved ahead of DOT paving. He added that he feels like we have accomplished the most important goal and will save the taxpayers money. He stated he is in favor of leaving this Plan tabled and moving forward.

Council Member McClure asked for clarity between Mayor Peterman's consensus and leaving this Plan tabled. Mayor Peterman advised that his request be for consensus that Council will look at what he proposed versus adoption of a Plan. Council Member McClure stated that he is not in favor of that. He added there are too many valuable things in this Plan that links us with our progress with DOT, and saves us money. Council Member McClure is not in support of putting this Plan on a shelf, never to be looked at again.

Council Member Wiggins stated that she is not in favor of wasting taxpayer money by putting this Plan on a shelf, but is in favor of doing water and sewer improvements. She expressed concern with a consensus vote not being legally binding. She is in favor of tabling this Plan.

Following a brief discussion between Council Members, Council Member McClure made a motion to hold an advertised work session at 1:00 p.m. on October 22, 2019 to further discuss the Downtown Master Plan, seconded by Council Member Wiggins. All voted in favor of the motion.

b. Quasi-judicial Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692)

Planning Director Nathan Page advised that the Planning Board had tabled this item at the applicant's request. He advised that the Planning Board recommended no action be taken at this meeting. Mayor Peterman made a motion to table this item for one month, seconded by Council Member Griffin McClure. All voted in favor of the motion.

c. Second Reading: Approve Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to delete requirement of the City to store removed junk debris for seven days

Assistant City Manager Aaron Holland reminded Council that this item was brought before them last month. As requested, staff reviewed General Statutes and case laws as they pertain to junk removal for better clarity. It was determined that there are not any laws requiring a hold on junk debris prior to removal from private property. After evaluating the current and proposed language from the first reading, City staff is recommending amending Sec. 12-71 (1) which references the abatement of nuisances by removal of junk debris with additional changes to Sec. 12-71 (2-C) recommended by the City attorneys. The requested amendment is to delete an antiquated requirement of the City to store removed items for seven days but instead provide a hold of property on the subject property for 10 days. This compromise removes the responsibility of the City to store items offsite while providing additional time to the property owner to comply.

Council Members and staff briefly discussed how the proposed change in language would actually make this a first reading and the importance of documenting debris that is considered to be within the 10-day hold period. Mr. Holland informed Council of the supermajority vote stipulations pertaining to a first reading vote. He also spoke of plans for multiple visits to a property in violation with pictures to be taken each visit.

Council Member Melody Wiggins made a motion to approve the Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to amend requirement of the City to store removed junk debris, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

Recommendations from Planning Board:

a. Public Hearing: AM1904 Boutique Shops. Application by Janet Ecklebarger to define Boutique Shops and make them use by right in Neighborhood Business (B-3)

Planning Director Nathan Page explained that Ms. Janet Ecklebarger has applied for an amendment to our Development Ordinance to clarify Boutique Shops and to permit them as use by right in Neighborhood Business zones. He added that the Planning Board recommended approval with a 2,000 square foot maximum.

Following a brief discussion about calculating square footage and the size of lots in the B-3 zoning district, Mayor Peterman opened the Public Hearing.

Ms. Ecklebarger of 604 Washington Street Graham stepped forward and encouraged Council to approve her request. 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 a 3,500 square foot maximum, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: The 2035 Plan, in Strategy 2.1.5 and 2.3.1, as well as Policy 2.1.6 and 2.3.2, recommends increasing small business opportunities within Graham. Council Member McClure seconded the motion and all voted in favor of the motion.

b. Public Hearing: CR1901 S Main Townhomes. Application by Villane Inc. for 32 townhomes. GPIN 8882397172

Mr. Page explained that this is a request to rezone the subject property from Conditional Rezoning to Conditional Rezoning. Originally, the rezoning permitted 32 townhomes with a private street. The proposed rezoning has 32 townhomes with a proposed public street. If rezoned, the property will also have to comply with the updated stormwater regulations. Mr. Page added that the property is currently vacant.

Council Members and staff discussed construction for private and public roads, the sewer easement at the back of the property, topography issues with this property and egress options for the property. Following this brief discussion, Mayor Peterman opened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and asked if the property would have to be brought into the City limits. Mr. Maness told him that it does not have to, but it is likely that it will. Mr. Maness listed several factors that determine whether or not the City would bring the property into the City limits. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Following another brief discussion between Council Members and staff, 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: For applicable Policy 3.3.2, 5.1.1 and 4.3.1. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

c. Public Hearing: RZ1904 S Main Windsor. Application by David Michaels, Windsor Investments for rezoning from R-18 to R-9. GPIN 8883100157, and part of 8883312515, 8883216464, 8883204297, 8883303914

Mr. Page explained that this is a request to rezone the subject property from R-18 and R-12 to R-9. The property is currently vacant, wooded, and under cultivation.

Mayor Pro Tem Kimrey asked Mr. Page what is currently the only type of dwelling permitted as a use by right in R-9. Mr. Page answered single-family homes. With no further questions forthcoming, Mayor Peterman opened the Public Hearing.

Mr. David Michaels of 5603 New Garden Village Drive Greensboro stepped forward representing Windsor Investments. He gave a brief history of Windsor Homes and spoke of another subdivision they are currently developing in Graham – The Forks of Alamance. He stated that they are proposing 130 homes for this property. Council Member McClure asked about the main points of egress with future roads. Mr. Michaels stated Parham Drive and Wildwood Lane would be the main roads leading to and from this property. Mayor Pro Tem Kimrey asked Mr. Michaels if there had been any thought of rezoning this property to R-12 with open space. Mr. Michaels stated that had been looked at, but they felt better requesting R-9.

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

Sara Burnett – 1923 Broadway Dr. Graham	Neil Gann – 1923 Broadway Dr. Graham
Mark Jones – 1701 Parham Dr. Graham	Nicki Ellis – 1738 Parham Dr. Graham
Steve Anderson – 224 W. Shannon Dr. Graham	Marty Fuller – 205 W. Shannon Dr. Graham

Nathan Glass – 1524 Stonegate Dr. Graham	Richard Shevlin – 510 Wildwood Ln. Graham
Ron James – 1619 Wedgewood Dr. Graham	Alice Van Tine – 1831 Broadway Dr. Graham
Mitz Adamson Kime-1834 Broadway Dr. Graham	Hannah Bason – 1838 Broadway Dr. Graham
Jill Bullis – 500 Wildwood Ln. Graham	Hayden Garrison – 1933 Broadway Dr. Graham
Richard Arnold – 232 W. Shannon Dr. Graham	Patty Allen – 265 W. Shannon Dr. Graham
Mike Allen – 265 W. Shannon Dr. Graham	Susan Hyder – 302 Thompson Rd. Graham
Danielle King – 1842 Broadway Dr. Graham	Chris Foust – 1851 S. Main St. Graham

Mr. Tom Hall of 5603 New Village Drive Greensboro stepped forward to address the Council on behalf of Windsor Home. Mr. Hall stated that he is President and part owner of Windsor Homes. He added that he is proud to be a part of the Graham community. He stated that as a builder of several neighborhoods, he would like to believe that they are responsible and sensitive to the neighbor's needs. Mr. Hall stated that his company would abide by all comments received during the site plan review process. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the concerns voiced by those who spoke. Mayor Pro Tem Kimrey mentioned the 15 acres located in the flood zone while reminding everyone that the remaining acres could be developed tomorrow without any input from this Council under the current zoning. Council Member McClure expressed concern with the two points of egress, bookend by two different zoning districts. He stated that he likes R-12 or R-15, but is against R-9. Council Member Wiggins agreed that traffic is of concern, but that will be addressed with the Technical Review process. Mayor Peterman asked Mr. Michaels if his company would survive with R-12 zoning. Mr. Michaels stated he would have to look at the plan before answering that question. Mayor Peterman called for a break to allow Mr. Michaels and Mr. Hall time to discuss R-12 zoning. Following the break, Mr. Michaels informed Council Members that they prefer R-9 approval, but would favorably consider and modify their request from R-9 to R-12.

Mayor Pro Tem Kimrey made a motion that the application be approved to R-12, 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 consistent with Policy 3.2.1, 3.3.2, and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the Plan. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Mayor Peterman. Nays: Council Member McClure. Motion carried 3:1.

Closed Session:

At 9:44 p.m., Mayor Peterman made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Before Council left the Council Chambers, Mr. Boney expressed concern with the City's notification process. He also expressed concern with the lack of specificity the reasons included in the Closed Session motion state. Mayor Peterman advised it is for historic preservation.

At 9:56 p.m., Mayor Peterman reconvened the regular meeting. He stated that the City had received a counter-offer for property located at 125 North Main Street, to which Council has declined.

Issues Not on Tonight's Agenda:

Mr. James stepped forward and expressed concern about the possibility of allowing someone from outside the City to serve on a City board/commission.

Mrs. Jennifer Talley of 808 Sideview Street stepped forward and expressed concern with the Downtown Master Plan continuing to be on the agenda.

Mr. Daniel Alvis of Maple Street Tavern stepped forward to thank Council and staff for their support during the recently held Rockin' for Research Event.

Downtown Development Coordinator Mary Faucette informed everyone that some City buildings have been lit up pink in observance of October being Breast Cancer Awareness Month.

Mr. Boney stepped forward and expressed concern with the makeup of the Boards & Commissions Task Force.

Council Member Wiggins mentioned the recent passing of current Historic Resources Commission Member Helen Sharpe.

Mr. Maness mentioned that some staff members are facing health challenges as well and asked that everyone keep them in your thoughts and prayers.

At 10:25 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, OCTOBER 22, 2019
1:00 P.M.**

The City Council of the City of Graham met in special session at 1:00 p.m. on Tuesday, October 22, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 1:00 p.m. Mayor Peterman gave the invocation.

Planning Director Nathan Page presented Council with an overview of the Downtown Small Area Plan. Council Member Griffin McClure presented Council with a printed handout of recommendations that he wanted added to Appendix section of the plan.

Mayor Pro Tem Lee Kimrey thanked Council Member McClure for including the recommendations he had stated earlier and had no issues with the ones he had added. Council Member Melody Wiggins was also in agreement with the recommendations presented.

Mayor Peterman had a concern with leaving items in the plan that he knew we were not going to do. He also wanted anything that done from the plan to be advertised.

Council Member Chip Turner stated that he wanted to remove the roundabouts from the plan since the streets they are proposed to be on are controlled by NCDOT. Mayor Pro Tem Kimrey suggested removing the images of the roundabouts. Council Member McClure was in agreement with the images being removed as long as the wording remained since the recommendations he was proposing for the Appendix addressed the Council's position on their implementation.

Mayor Peterman directed staff to study how to address advertising for items to be done from the plan.

At 1:34 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Aaron Holland, Assistant City Manager

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, NOVEMBER 5, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, November 5, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

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

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

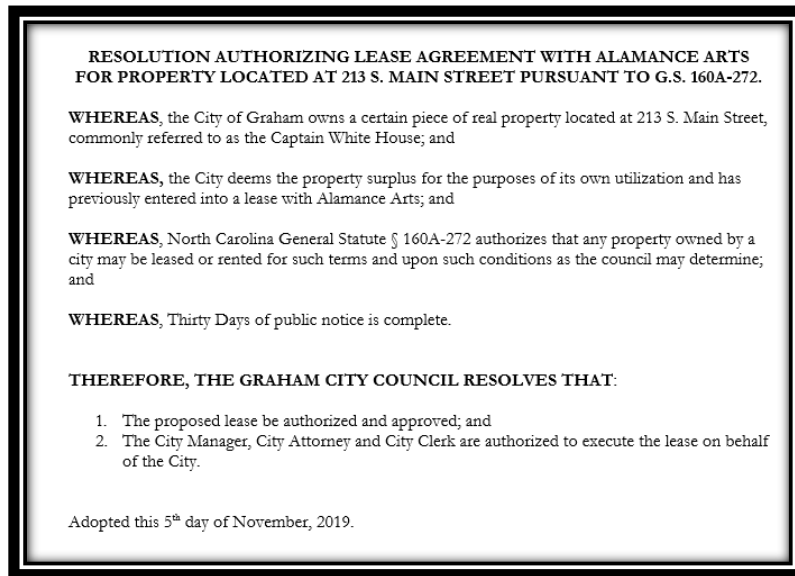
Consent Agenda:

- a. Approve Minutes – October 1, 2019 Regular Session*
- b. Approve Minutes – October 22, 2019 Special Session*
- c. Approve Tax Releases & Refunds*

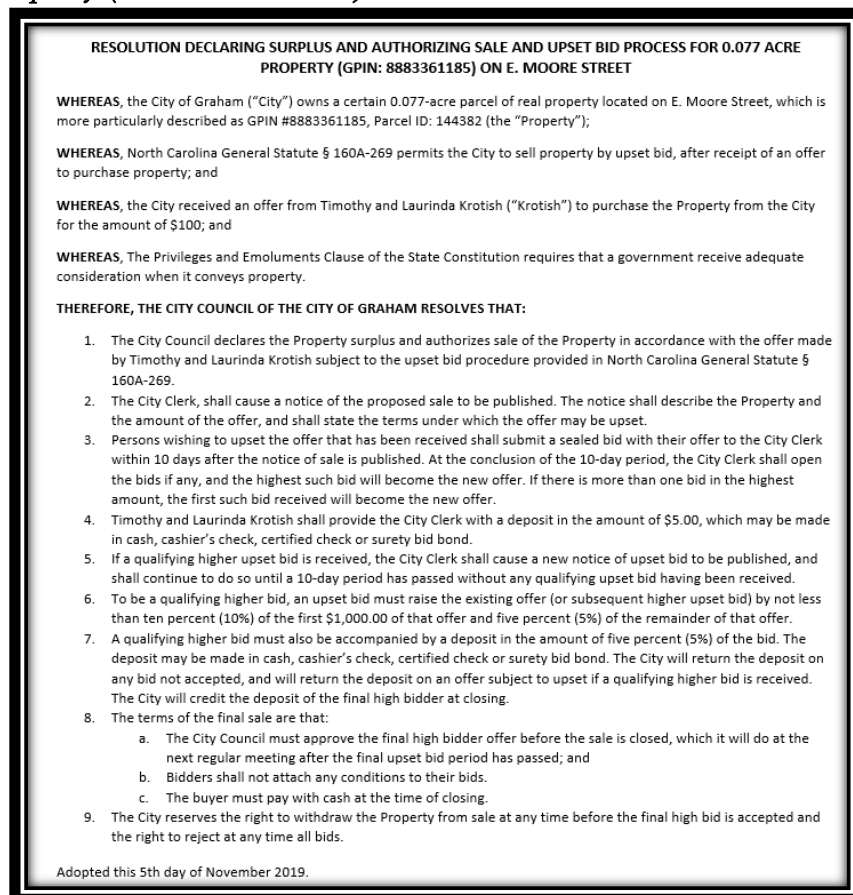
CITY OF GRAHAM RELEASE ACCOUNTS				
NOVEMBER				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
602015	2019	BARTS, HELEN J. LIFE ESTATE	RELEASE SCE VALUE & DISCOVERED FULL BILL	203.59
459853	2019	SMITH, BRANDON LEE	SOLD THE BOAT	1.28
629924	2019	MCNEELY, MARGARET B	QUALIFIED FOR HOMESTEAD EXEMPTION	\$157.67
646835	2019	CHEEK, PRISCILLA	PROPERTY SOLD RELEASE PREVIOUS OWNER	\$164.61
648047	2019	SALEM LEASING CORP	REMOVE LATE LISTING PENALTY	\$23.36
648047	2019	SALEM LEASING CORP	VEHICLE BILLED IN ERROR	\$37.84
648047	2019	SALEM LEASING CORP	VEHICLE BILLED IN ERROR - LOCATED IN DURHAM CO	\$231.08
664352	2019	CHAMPION & GILES PA	OUT OF BUSINESS 12/31/18-RELEASE BPP	\$82.87

CITY OF GRAHAM REFUNDS				
NOVEMBER				
ACCT #	YEAR	NAME	REASON FOR REFUND	REFUND AMOUNT
459853	2017	SMITH, BRANDON LEE	SOLD THE BOAT	1.34
459853	2018	SMITH, BRANDON LEE	SOLD THE BOAT	1.35

- d. *Authorize the City Manager, City Attorney and City Clerk to enter into an agreement on behalf of the City with First Baptist Church of Graham for public parking*
- e. *Approve Resolution Authorizing Lease Agreement with Alamance Arts for property located at 213 S. Main Street Pursuant to G.S. 160A-272*



- f. *Approve request from Downtown Development Coordinator Mary Faucette to close the 100 block of West Elm Street from 9:00 a.m.-7:00 p.m. on Saturday, March 21, 2020 for the third annual Love Graham Event*
- g. *Approve Resolution Declaring Surplus and Authorizing Sale and Upset Bid Process for 0.077 Acre Property (GPIN 8883361185) on E. Moore Street*



- h. Approve request by the Alamance County Veterans Organization to close the 100 & 200 block of East Elm Street from 7:00 a.m.-8:00 p.m. on Saturday, November 9, 2019 for a Veterans Day Parade/Festival with the following conditions:*
- i. Certificate of Liability with the City's requirements*
 - ii. Extra Duty Solutions schedule (Received 10/31/19)*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Griffin McClure asked to pull item "e", while Council Member Melody Wiggins asked to pull item "d".

Mayor Pro Tem Lee Kimrey made a motion to approve items "a", "b", "c", "f", "g" and "h" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

With respect to item "d", Council Member Wiggins commended staff for this proposal. Mayor Pro Tem Kimrey asked City Manager Frankie Maness to explain the agreement. Mr. Maness stated this agreement maximizes land use by utilizing the parking lot for dual purposes. This agreement is similar to the one we have with the Graham Presbyterian Church. With no further questions forthcoming, Council Member Wiggins made a motion to approve item "d" on the Consent Agenda, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

With respect to item "e", Council Member McClure asked Mr. Maness about the date included in the contract and if the contract would be retroactive. Mr. Maness advised that it could be made retroactive if Council should so choose, but the current contract has expired. With no further questions forthcoming, Council Member McClure made a motion to approve item "e" on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

- a. Quasi-judicial Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692)*

City Attorney Bryan Coleman read a statement about the Quasi-judicial evidentiary hearing process. Planning Director Nathan Page advised that the Planning Board had tabled this item at their last meeting and asked that no action be taken at this meeting. Mayor Peterman made a motion to postpone this item until the December 3, 2019 regular session meeting. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

b. Downtown Master Plan

Mr. Page explained that after the last meeting, there were a number of items suggested by the Council to be added to the appendix of the Plan. He advised those changes had been made.

Council Member McClure asked Mr. Page the following questions:

- Does this plan in any way recommend rear entry parking? Mr. Page answered no.
- Does this plan prevent any traffic from going through downtown on Main Street? Mr. Page answered no.
- Does this plan recommend a reduction in parking in the four block downtown area? Mr. Page answered no.

- Does this plan suggest or encourage imminent domain? Mr. Page answered no.
- If adopted, does this plan officially move any traffic to Maple or Marshall Streets? Mr. Page answered no.
- Does this plan bind or commit us to any specific project such as streetscape, infrastructure repair, sidewalk design, intersection configuration, parking configuration, number of parking spaces or anything else above or below the ground?
- Does this plan commit Graham in any way to paying for any specific project? Mr. Page answered no.
- Does this plan as submitted tonight allow staff to investigate and apply for grants from the federal and state levels as well as non-profits that could fund hundreds of thousands of dollars in infrastructure upgrades? Mr. Page answered yes.
- Will those grants then come before City Council before approval? Mr. Page answered yes.

Council Members and staff briefly discussed additional changes and how to go about making those additions/deletions without having to re-write the entire plan. Specifically discussed was the elimination of the splash pad and the image of the roundabout located at the South Main Street and McAden Street intersection. Following this discussion, Mayor Peterman opened the discussion to the floor.

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

Tom Boney – Alamance News	Daniel Winkle – 2409 Delaney Dr. Burlington
Jeff Leimberger – 213 N. Melville St. Graham	Jane Searls – 526 E. Pine St. Graham
Nathan Griffin – 1745 NC 49 Green Level	Linda Barnhill – 404 Forest Dr. Graham
Ben Barnhill – 404 Forest Dr. Graham	Nate Perry – 201 S. Maple St. Graham
Richard Wrike – Graham	Jane Farrar – 141 E. Harden St. Graham
Richard Shevlin – 510 Wildwood Ln. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Lisa Kyle Moser – 217 Guthrie St. Graham	Ronnie Isley – 510 Mendel Ter. Graham
Jennifer Talley – 808 Sideview St. Graham	Jason Cox – 200 N. Main St. Graham
Courtney Talley – 808 Sideview St. Graham	Chuck Talley – 808 Sideview St. Graham

Mr. Talley stated that key stakeholders should have more power in what's being said than anybody in the City.

Mayor Peterman closed the public comment period. Council Members briefly addressed some of the concerns by citizens. Council Member Turner and Mayor Peterman expressed concern with leaving something in the Plan that we will never do. Council Member Turner stated that he has spoken with a state traffic engineer at NCDOT who advised that they would help us with truck routing when the time comes.

Council Member McClure made a motion to approve the Plan as presented with amending the fourth bullet point on page 149 to read “Additional planning and design should eliminate the idea of a splash park”, with additional changes of adding a watermark over any diagram of the roundabout on South Main Street and McAden Street that says roundabout not advised. Mayor Pro Tem Kimrey seconded the motion. Ayes: Council Member McClure, Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.

CITY OF GRAHAM | DOWNTOWN MASTER PLAN

CONDITIONS OF IMPLEMENTATION

It is essential that the Graham Downtown Master Plan be used as a planning resource only and not a design document. The concepts that are recommended should be further developed if and when the City Council decides to move forward. All design details such as parking (type and number), active and passive amenities, street materials, landscaping, intersection reconfiguration, and many more elements described in the plan are put forth as best practice and can be refined or altered during the design phase of each project by City Council before being implemented. This plan is conceptual in nature and all recommendations should be done in cooperation with property owners.

Goals for Implementation:

- Additional planning and design should achieve pull in parking on West and East Elm Streets where possible.
- Additional planning and design should maintain non-restrictive loading zones as close to current sites as possible.
- Additional planning and design should recommend the most yield of 40 angled pull in parking spaces around the exterior of Court Square while exploring additional interior parking options as well. Let it be noted that the preferred rendering on page 35 is the smaller inset showing pull in parking as opposed to the larger rendering shown on page 35 and 36.
- Additional planning and design should eliminate the idea of a splash park.
- Additional planning and design should recommend the addition of a fire suppression riser system during any infrastructure upgrades in the downtown.
- Additional planning and design should consider all alternative routes for truck and vehicle traffic through downtown in addition to Gilbreath, Harden, McAden, Marshall, and Maple Streets.
- Additional planning and design should note that rear entry parking rendered on pages 42, 48, 50 and 51 is not actually preferred.
- Additional planning and design should not pursue a roundabout at McAden and South Main Street (shown on page 28).

At 8:25 p.m., Mayor Peterman called for a break and at 8:35 p.m. resumed the regular meeting.

Requests & Petitions from Citizens:

a. License Agreement request by John Zheng for property located at 139 West Elm Street

Assistant City Manager Aaron Holland explained that Mr. John Zheng has submitted a written letter and supporting photos for a proposed gas meter to be installed on the side wall of the building located at 139 W. Elm Street. The intent of the gas meter is to serve a future restaurant. Mr. Holland advised that City staff has met and concurs with the proposed location of the gas meter. He added that Historic Resources Commission approval is not required for this installation and staff recommends approval.

Council Members and staff discussed the request, specifically entering into an encroachment license agreement with a private individual for equipment belonging to a public utility service. Mr. Maness advised Council that they may want to consider combining this request with the previous encroachment license agreement already approved.

Mayor Peterman made a motion to authorize the City Manager and City Attorney to amend the encroachment license agreement with John Zehng for a proposed gas meter at 139 West Elm Street as identified by the submitted photos with the following condition:

- Provide final survey to confirm use of public space.

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

Recommendations from Planning Board:

- a. Public Hearing: CR1902 Albany Business. Application by J. Norman Thomas for a rezoning to permit duplexes and a small office space on a parcel located at 109 Albany Street (GPIN 8874850468)***

Mr. Page advised that there is an error in the staff report included in the agenda packet. He stated that the applicant is requesting a Conditional Business rezoning. He also informed Council of the new State Statute, which requires Council to have a signature by the applicant acknowledging any conditions included in approving the request before any vote is taken. Mr. Page explained the stated reason for this request is for “Two duplex dwellings for a total of 4 dwellings, and a commercial property to be used for offices, contractor’s office, or small retail establishment.”

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

Mr. J. Norman Thomas stepped forward to address Council. He stated that he is trying to get this property back to where it once was. Council Members asked Mr. Thomas if he would agree to the condition recommended by the Planning Board. Mr. Thomas said he would. Council Members asked Mr. Thomas if he would have any opposition to installing a taller fence, which would allow for more security. Mr. Thomas stated no opposition. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members and staff briefly discussed the conditions recommended by the Planning Board. Following the discussion, Mr. Thomas voluntarily consented to the conditions set forth. Council Member McClure made a motion that the application be approved with the following conditions:

- The parcel be considered Land Use Classification 3 for the purposes of future landscaping.
- A safety fence at least 4 feet in height be installed on the western property line.

He added that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: In accordance with Policies 2.2.1 and 5.1.1, and Strategies 4.3.1 and 5.2.1, this rezoning will permit additional density upon a lot in a walkable region of town. Mayor Pro Tem Kimrey seconded the motion and all voted in favor of the motion.

- b. Public Hearing: SUP1903 Cherry Charter School. Application by SH Alamance LLC for a Special Use Permit for an Elementary School located on Cherry Lane (GPIN 8894906303)***

Mr. Page read a notification received by the applicant rescinding their request for a Special Use Permit. Council Member Turner made a motion to have this request withdrawn, seconded by Council Member Wiggins. All voted in favor of the motion.

c. Public Hearing: AM1905 Residential Rear Setbacks. Application by Rocky Long for an amendment to Residential Rear Setbacks, to reduce the setback requirement

Mr. Page explained that Rocky Long has requested that the City amend the rear yard setback from 20 percent to 20 feet. He advised that the Planning Board made a recommendation to allow the applicant to abide by the 20 percent rule if they could prove that it was less than the 20 feet through a note to the area height and yard regulations as note 11. With no discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Rocky Long of 1867 Challenge Drive Graham stepped forward to address the Council. Mr. Long spoke of the setback requirements of surrounding municipalities. He expressed concern with the current 20 percent calculation. A general discussion between Council Members and Mr. Long ensued. 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 a note to 10.245 to allow the applicant to request approval from the Planning Department for a 20 percent rear yard setback in lieu of the 20 foot requirement, that this 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: Strategy 2.3.1, as well as Policy 4.3.1, recommends reducing setback requirements for residential lots. Council Member Wiggins seconded the motion and all voted in favor of the motion.

First Reading of an Ordinance of the City Council of the City of Graham, Amending Various Sections Related to Boards and Commissions of the Code of Ordinances of the City of Graham, North Carolina:

Mr. Maness explained that this is the first reading of an Ordinance that amends various sections of our Code of Ordinances that relates to Boards and Commissions. He stated that City of Graham Volunteer Boards and Commissions Task Force commenced a study of our Boards and Commissions in July. The task force has met on several occasions and have started to formulate recommendations. Among the first recommendations from the task force is an ordinance that provides general regulation of our Boards and Commissions. The task force identified that the City currently lacks a general ordinance to guide our boards and commissions leaving a requirement for specific legislation for each current and future board. It should be noted that the proposed general ordinance is silent to residency requirements, leaving residency requirements to specific ordinances. In addition, the general ordinance would allow for sub-committees such as the Hall of Fame Board in which the commission recommends being a function of the Recreation and Parks Commission rather than an independent board. Additionally, the Task Force has identified recommended amendments specific to other boards as outlined below:

- Tree Board: Amendments to increase membership to seven (7) total and establish a City Council liaison;
- Graham Historical Museum Advisory Board: Amendment to codify in our Ordinances the establishment of the Board and require members to be residents of the City. Previously ETJ members were allowed.
- Recreation and Parks Commission: Clarify there are seven (7) members and a City Council liaison. Clarify the voting eligibility of the liaison.

Council Members and staff briefly discussed the request. Mayor Pro Tem Kimrey asked about the establishment of subcommittees. Additionally, he expressed some concern with the section dealing with Voting, Advocacy, Monetary Interest. Mayor Peterman and Council Member Turner stated they are not in favor of term limits. Council Member Turner did state that he likes the idea of limiting the number of Boards or Commissions one can serve on at the same time. Council Member Wiggins referred to the Hall of Fame Board, which currently does require their members to stay off the Board for at least one year at the end of their term. She stated that this proposed language is an effort to keep things fresh and get new ideas on our Boards and Commissions. Council Member McClure questioned if we have enough interest at this time. Council Member Wiggins informed Council that the Task Force is also working on a procedures and guidelines manual for volunteers and staff to follow. With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor.

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

Dean Ward – 1143 Challenge Dr. Graham	Jan Searls – 526 E. Pine St. Graham
Tom Boney – The Alamance News	Nate Perry – 201 S. Maple St. Graham

With no further comments forthcoming, Mayor Peterman closed the public comment period.

Following a brief discussion about term limits and whether changes would be prospective or retrospective, Council Member McClure made a motion to approve the first reading of the Ordinance amending various sections related to boards and commissions of the Code of Ordinances of the City of Graham, North Carolina with the amendment to letter C that it changes from two to three consecutive full terms and that these Ordinances be prospective and not retrospective with their application. Council Member Wiggins seconded the motion. Ayes: Council Member McClure, Council Member Wiggins and Mayor Pro Tem Kimrey. Nays: Mayor Peterman and Council Member Turner. Motion failed to receive a supermajority vote required to pass on the first reading, therefore a second reading will be scheduled for the December 3, 2019 meeting.

First Reading of an Ordinance of the City Council of the City of Graham, Amending CHAPTER 13- UTILITIES, ARTICLE II- CONNECTIONS of the Code of Ordinances to add language to establish a Cross Connection and Backflow Prevention Program:

Mr. Holland explained that the purpose of this ordinance is to establish a backflow prevention program to protect our drinking water from pollution and/or contamination that can occur from backpressure or backsiphonage from non-potable sources. Other jurisdictions within the area have already taken the necessary steps to adopt the appropriate language including Mebane, which is a partner with our water treatment operations. City staff recognizes that without proper protection devices, cross-connections can occur that can contaminate and endanger the public water supply and staff does recommend approval.

Mayor Pro Tem Kimrey asked if the decision about what backflow preventer would be used and in what circumstance would be up to the Water Department Supervisor. Mr. Holland stated it would. Mr. Maness added that we have been practicing those types of prevention absent an Ordinance. With no further questions forthcoming, Mayor Peterman opened the discussion to the floor.

Mr. Scott Pickard of 101 Southwood Court Graham stepped forward to address the Council. With no further comments forthcoming, Mayor Peterman closed the public comment period.

Mayor Peterman made a motion to approve the Ordinance amendment to CHAPTER 13-UTILITIES, ARTICLE II- CONNECTIONS of the Code of Ordinances to add language to establish a Cross Connection and Backflow Prevention Program, seconded by Council Member Turner. All voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

Issues Not on Tonight's Agenda:

Mr. Holland informed everyone that the grand opening for the Powerup Arcade Bar will be held at 12:00 p.m. on Saturday, November 9, 2019.

Council Member Wiggins commended the Task Force members for their hard work.

Mr. Maness recognized Mayor Peterman and Downtown Development Coordinator Mary Faucette for their birthdays today.

Mayor Peterman reminded Council that the Graham High School Chorus' performance tomorrow morning at the Graham Civic Center.

At 9:54 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
MONDAY, DECEMBER 2, 2019
6:00 P.M.**

The City Council of the City of Graham met in special session at 6:00 p.m. on Monday, December 2, 2019, 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
Council Member Elect Jennifer Talley
Council Member Elect Ricky Hall

Also Present:

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

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m.

Mayor Peterman reviewed the current procedures by which he runs a City Council meeting. Council Members and Council Members Elect reviewed the agenda for tomorrow night's meeting.

City Attorney Bryan Coleman reviewed the process for the Quasi-Judicial Public Hearing that will take place, reminding all Council Members that all ex-parte communication must be disclosed. He spoke about the findings of fact and conclusions of law and proposed doing a decision document and voting on that at the next meeting.

Council Member Elect Jennifer Talley stated that she believes citizens are at a disadvantage because they do not understand the Quasi-Judicial process. Mayor Peterman asked staff to have Quasi-Judicial informational cards made that could be handed out to citizens.

Mayor Peterman informed everyone that former City of Graham employee Jimmy Lynch has passed away.

At 6:39 p.m., Council Member Melody Wiggins 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, DECEMBER 3, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, December 3, 2019, 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
Council Member Griffin McClure
Council Member Melody Wiggins
Council Member Jennifer Talley
Council Member Ricky Hall

Also Present:

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

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

Honorary Recognition:

➤ **Kris Kloepping**

Ms. Michelle Wells, Executive Director of the NC Recreation and Parks Association (NCRPA), Mr. Keith Jenkins, President of the NCRPA Board of Directors and Mr. Aaron Davis, NCRPA Board of Directors Member presented City of Graham Athletics Supervisor Kris Kloepping with the 2019 NCRPA Young Professional Award. Mr. Kloepping thanked the City of Graham and the NCRPA for this award.

Old Business:

a. Approve Minutes – November 5, 2019 Regular Session

Mayor Pro Tem Lee Kimrey asked that the statement made by Mr. Chuck Talley be included in the minutes. The statement is as follows: Key stakeholders should have more power in what's being said than anybody in the City. With no discussion forthcoming, Mayor Pro Tem Kimrey made a motion to approve the minutes with the addition. Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

b. Accept the offer to purchase of \$100 submitted by Timothy & Laurinda Krotish for surplus property

City Manager explained that at last month's meeting, Council was informed that the City had received an offer of \$100 to purchase surplus City property. Council approved a resolution to start the upset bid process.

Mr. Maness advised that the upset bid process has concluded and no additional offers were received. Staff recommends approval of the sale of this property to Timothy and Laurinda Krotish for \$100.

Mayor Pro Tem Kimrey asked Mr. Maness if this was an old right of way. Mr. Maness stated that this actually was an old parcel and the right of way was extracted from that parcel and this is the remnants of that parcel. He added that this property is a NCDOT right of way and approval will cure a landlocked parcel.

With no further discussion forthcoming, Council Member Griffin McClure made a motion to accept the offer of \$100 submitted by Timothy & Laurinda Krotish for surplus City property on S. Main and E. Moore Street, more particularly described as GPIN #8883361185, Parcel ID: 144382 and authorize the City Manager, City Attorney and City Clerk to effectuate the sale. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

c. Second Reading of an Ordinance of the City Council of the City of Graham, Amending Various Sections Related to Boards and Commissions of the Code of Ordinances of the City of Graham, North Carolina

Mr. Maness explained that this is the second reading of the proposed ordinance that provides general regulation and some specific regulation with the Tree Board, the Historical Museum Advisory Board and the Recreation Commission. He added that the changes made by Council at the first reading are included in tonight's proposed ordinance.

Following a brief discussion about term limits and how federal rules supersede local rules, Mayor Peterman opened the discussion to the floor.

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

Jennifer Talley – 808 Sideview St. Graham	Tom Boney – The Alamance News
---	-------------------------------

With no further comments forthcoming, Mayor Peterman closed the discussion to the floor. Council Members discussed the concern Mrs. Talley brought up concerning language in the proposed ordinance that would allow commissions to create other commissions. Mayor Pro Tem Kimrey suggested that changing committees to sub-committees throughout the proposed ordinance would clear that up. Council Member Wiggins stated that to remain consistent, we need to add sub-committee throughout all of our ordinances.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the second reading of the Ordinance amending various sections related to boards and commissions of the Code of Ordinances of the City of Graham, North Carolina with the recommended change in terminology to sub-committee throughout the ordinances. Council Member McClure seconded the motion. Ayes: Council Member Wiggins, Council Member McClure and Mayor Pro Tem Kimrey. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.

d. Audit Presentation


Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City's audit report for Fiscal Year 2018-2019. Ms. Rhodes spoke favorably about the arrangement that the City maintains with Becky Loy of Cobb Ezekiel Loy & Company and Stout Stuart McGowen & King LLP.

She further stated that all operating funds yielded a surplus for the year, no findings were found and the City received an unmodified opinion – the cleanest and best opinion one can receive. Ms. Rhodes added that there were no difficulties or disagreements with management during this audit.

Mayor Peterman expressed his appreciation to Ms. Rhodes, Ms. Loy, Finance Officer Julianne Cordon, the Finance Department staff and Mr. Maness for their efforts.

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

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

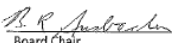
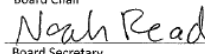



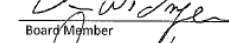
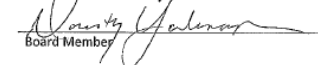
2019 MUNICIPAL ELECTION
11/05/2019
ABSTRACT OF VOTES
FOR
ALAMANCE COUNTY, NORTH CAROLINA

INSTRUCTIONS
 The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163A-1173)

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

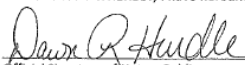
This is the 15th day of November, 2019.

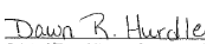

 Board Chair

 Board Secretary


 Board Member

 Board Member

 Board Member

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 15th day of November, 2019.


 Official Signature of Notary Public


 Printed/Typed Name of Notary Public

My Commission Expires: 4-7-2024

DAWN R HURDLE
 NOTARY PUBLIC
 ALAMANCE COUNTY, NC
 My Commission Expires 4-7-2024

(Seal)

11/15/19 11:39 AM

Municipal Election

0007_GIBSONVILLE ALDERMEN										0008_GRAHAM MAYOR		
PAUL DEAN	STEVE HARRISON	YVONNE MAZILLAND	CLARE OWEN	MARK SHEPHERD	PAUL THOMPSON	WM INT - IN	OV ER V OT ES	UN DER V OT ES	JERRY FESTERMAN	WM INT - IN	OV ER V OT ES	UN DER V OT ES
035 BOONE 5	4	2	2	2	3	1	2	0	2			
03W WRST BOONE	155	150	254	227	240	255	4	0	138			
064 GRAHAM 4									355	8	0	33
06E EAST GRAHAM									256	10	0	31
06N NORTH GRAHAM									146	2	0	24
06S SOUTH GRAHAM									192	5	0	22
103 MELVILLE 3									5	0	0	0
13 HAW RIVER									0	0	0	0
TOTALS	159	160	256	229	243	256	6	0	140	954	26	110

11/15/19 11:39 AM

Municipal Election

4 of 6

0009_GRAHAM COUNCIL										0010_GREEN LEVEL COUNCIL									
E - Beebe e u d r y	M i c k e y C h a e k	D o n n i e C o l l i n s	R i c k y H a l l	L e e K i m K e y	N a t e P e r r y	L . T a t t e C l l i	W R I T T E I N	O V E R T E S	U N D E R V O T E S	C h e r r e l V a n t e s e	R e m o n i a S n o o c h	T h e o d o r e H o w a r d	S a n d r e M c C o l l u m	S a m u e l S i l u e r	R i c h a r d W o o d s	W R I T E - I N	O V E R V O T E S	U N D E R V O T E S	
064 GRAHAM 4	47	48	13	168	140	184	239	2	0	33									
065 EAST GRAHAM	43	52	15	105	117	75	172	3	0	14									
066 NORTH GRAHAM	22	26	5	87	43	34	106	9	0	16									
068 SOUTH GRAHAM	27	52	4	85	88	57	110	9	0	12									
103 MELVILLE 3	3	3	0	0	1	1	2	0	0	0									
11 PLEASANT GROVE	0	0	0	0	0	0	0	0	0	1	0	2	0	6	1	8	0	0	
13 HWY RIVER										0	80	107	81	114	52	42	88	0	
TOTALS	340	351	37	445	389	271	659	23	0	75	82	107	83	114	58	43	96	0	

63

Mayor Pro Tem Lee Kimrey stepped down at 7:40 p.m.

Mayor Peterman presented exiting Mayor Pro Tem Kimrey with a key to the City as well as a framed picture with commemorative plaque indicating the years he has served the City of Graham as Mayor Pro Tem and Council Member on the City Council. Former Mayor Pro Tem Kimrey stated that there has been no greater honor than serving his community. He stated that since his time on this Council, within this City he has found himself surrounded by some of the most dedicated, talented and gifted people that anyone could ever find anywhere. While addressing the audience, former Mayor Pro Tem Kimrey added that it has been a privilege to serve them and thanked them for giving him the opportunity.

Council Member McClure stepped down at 7:49 p.m.

Mayor Peterman presented exiting Council Member McClure with a key to the City as well as a framed picture with commemorative plaque indicating the years he has served the City of Graham as Council Member on the City Council. Former Council Member McClure thanked the City of Graham for allowing him to serve.

He applauded the efforts of City staff and thanked the Council Members he has served alongside. He encouraged staff and the future Council to look into adding a Public Information Officer and investing in public transportation. He concluded by thanking his wife and daughters.

Organizational Meeting of Council:

- a. City Clerk Darcy Sperry administered the Oath of Office to Re-Elected Mayor Peterman.*
- b. Superior Court Judge Tom Lambeth administered the Oath of Office to Newly Elected City Council Member Jennifer Talley.*
- c. Superior Court Judge Tom Lambeth administered the Oath of Office to Newly Elected City Council Member Ricky Hall.*
- d. Mayor Peterman nominated Council Member Turner as Mayor Pro Tem, seconded by Council Member Hall. All voted in favor of the nomination.*
- e. Ms. Sperry administered the Oath of Office to Newly Elected Mayor Pro Tem Chip Turner.*
- f. The Council discussed the regular meeting schedule. Council Member Talley made the motion to move the regular session meeting to 6:00 p.m. on the second Tuesday of each month, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.*

Consent Agenda:

- a. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
20099	2019	BELLSOUTH TEL CO	VALUE INCORRECT, (NEW BILL WILL BE \$8018.70)	8,047.84
107141	2019	CANON FINANCIAL SERVICES INC	STATE PP SCHEDULE CHANGED VALUE DECREASED	17.57
648047	2019	SALEM LEASING CORP	TRUCK LISTED IN DURHAM	\$432.14
674787	2019	JEANNE OWEN LIFE ESTATE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$284.16

- b. Approve Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 211 S. Main Street Pursuant to G.S. 160A-272*
- c. Approve Resolution to rename Colonial Drive to Granite Mill Drive*

Council Member Hall made a motion to approve the Consent Agenda, seconded by Council Member Talley. All voted in favor of the motion.

Recommendations from Planning Board:

- a. ***Quasi-Judicial Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692)***

City Attorney Bryan Coleman read the following statement:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The Council's discretion is limited. The Council must base its decision upon competent, relevant, and substantial evidence in the record. It is a decision that must be based on the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

This meeting is open to the public. However, participation is limited. Parties with standing have rights to present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the City Council. General witness testimony is limited to facts, no opinions. For certain topics, this Council needs to hear opinion testimony from expert witnesses. These topics include predictions about impacts on property values and predictions about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

Witnesses must swear or affirm their testimony. At this time, all individuals who intend to provide witness testimony are asked to come up and be sworn in.

Ms. Sperry administered the oath to the following individuals:

Bradford Deaton – 1400 Battleground Ave. Ste. 207 Greensboro	T. Eugene Mustin – 621 Eugene Ct. Ste. 100 Greensboro
Steve Sumner – 414 Old Farm Rd. Graham	Deborah Wagner – 411 Old Farm Rd. Graham
Scott Pickard – 101 Southwood Ct. Graham	Dawnaly Dax – 110 Palmetto Ct. Graham
Francis Walsh – 404 Aspen Ct. Graham	Nathan Page – 201 S. Main St. Graham
Brenda Stanton – 104 Southwood Ct. Graham	Jacqueline Dunkle – 510 Winesap Dr. Graham
Marty Unger – 514 Winesap Dr. Graham	Dana Scott – 412 Old Farm Rd. Graham
Kirstin Trowbridge – 604 Old Farm Dr. Graham	Laurie Pickard – 101 Southwood Ct. Graham
Bobby Minor – 315 Old Farm Dr. Graham	

Mr. Coleman instructed Mayor Peterman to pole the council for any bias or fixed opinions, conflicts of interest, ex-parte communications, or site visits.

Mayor Peterman disclosed that he has seen Steve Sumner's video several times but does not think that will cause him any problems with making a decision. Council Members agreed that Mayor Peterman would not have to recuse himself.

Mayor Pro Tem Turner disclosed that he has seen the same video and has ridden by the site a couple of times. He does not think that will cause him any problems with making a decision. Council Members agreed that Mayor Pro Tem Turner would not have to recuse himself.

Council Member Talley disclosed that prior to being elected, she had talked to several residents and had been to the site and spoken to the Pickard's. She stated that she feels she can listen to what the developer and citizens say tonight. Council Member Talley stated that it is pretty much cut and dry based on the six criteria. Council Members agreed that Council Member Talley would not have to recuse herself.

Council Member Hall disclosed that prior to being sworn in, he did hear from residents. He added that he has no bias towards any of the property owners or the developer. Council Members agreed that Council Member Hall would not have to recuse himself.

Planning Director Nathan Page explained this is a request for a Special Use Permit for a Townhouse Dwelling for property located on Moore Street. The site is currently vacant. The site is approximately 9 acres. The plan would permit up to 61 units. The layout would connect Old Farm Road and Old Farm Drive, in an intersection with Moore Street, as well as completing the connection for Southwood Drive. The design includes stormwater control measures. There would be extensions of water and sewer for the new homes, with the installation cost to be borne by the developer. He added the original plan for Southwood Townhomes was also required to leave right of way to permit a connection to Moore Street. The plans for Old Farm Road also have always included a connection with an intersection with Moore Street. Mr. Page explained that the developer has agreed to the following concessions during the Planning Board Meeting on November 19, 2019:

- Sidewalk, curb, and gutter on both sides of the street for the whole development.
- Planting buffer between the existing and proposed townhomes.
- Accommodate construction times from 7 AM to 5PM.
- White PVC railings, doors, blinds, and windows for townhomes on Southwood Drive
- Trim, Gutters, garage doors and fascia to match the existing townhomes on Southwood Drive
- Gables are ok with Southwood as long as they match existing
- Southwood roofs have same color and are architectural shingles
- Appropriate draining and water control piped in where reasonable
- Parking pads to accommodate 2 cars in addition to garage space(s)
- Planting on border to show divisions between Moore Street and space to accommodate placement of 2nd Southwood Townhomes sign on the new build site
- Construction traffic to come through Moore Street

Council Member Wiggins asked Mr. Page if the developer has added and agreed to those things tonight and they are part of the motion. Mr. Page said yes, unless they are further amended.

Mr. Brad Deaton of 1400 Battleground Avenue Ste. 207 Greensboro, stepped forward to address the Council. Mr. Deaton is the developer for this proposed project. He stated that they have been thru several months of process to get to this point. They began the project with 61 units on this site. They had five different meetings with residents and while they could not address all of the concerns, they addressed many of the concerns. The plan submitted to the Planning Board and before Council calls for 54 units, comprised of two, three and four unit buildings. Mr. Deaton stated that they created more space between units and this plan transitions better from the single family to a multifamily townhome product. Mr. Deaton explained that there are two parts to this project. One is the continuation of Southwood Townhomes. He stated that there are characteristics, restrictions and things that they have done to specifically address concerns from the residents of Southwood Townhomes.

Mr. Deaton stated for the balance of the project, they have dealt with primarily the residents along Old Farm on both sides of the property. Mr. Deaton provided a recap of each meeting with the residents.

Mr. Deaton went on to explain that after the Planning Board meeting, he went back and looked at the plans to determine if they are proposing a development that fits in the neighborhood. He feels it does. He is proposing a similar product with the same style unit, same style home. He added that his Special Use request is for exactly what is in place. Mr. Deaton stated they proposed to have two parking spaces in front of each unit in the driveway and every unit will have a garage. They would be providing an infill development that connects existing roads and existing projects. He stated that there is already a lot of people that live in this area. He does not feel that the incremental increase in the number of units and density will affect the overall area. Mr. Deaton advised that they internally have done a competitive market analysis. Based on that study, the active closed price point for this area averaged \$191,000. The two unit types they are proposing will range from \$180,000 to \$225,000. Mr. Deaton concluded by stating he feels this will increase tax base, it will provide alternate and obtainable housing for current and future residents and will complete the long-term project that has been in existence.

Council Member Talley asked Mr. Deaton about the number of units proposed, parking spaces, building materials and crawlspace versus slab foundation. Additionally, she asked Mr. Deaton about safety issues he has addressed concerning the retention ponds. Mr. Deaton explained that pond space has yet to be designed but will conform to NC standards and those standards required by the City of Graham. Council Member Talley also inquired about the HOA. Mr. Deaton advised that they have reviewed Southwood's HOA and they are willing to work with legal to have the proposed eight units brought into Southwood's HOA.

Mayor Pro Tem Turner asked Mr. Deaton about driveways, parking, and ribbon pavement from Moore Street. Additionally, he asked about stormwater problems and if stormwater would be piped into the ponds. Mr. Deaton stated it would be piped into the ponds. Mayor Pro Tem Turner also asked about fencing for the retention ponds. Mr. Deaton said four foot fencing is currently proposed, but he would be willing to go to five foot.

Mayor Peterman commended the neighbors for asking about on street parking, which slows down our garbage trucks and fire trucks. He asked about wrapping the side of the units proposed for Southwood in brick. Mr. Deaton advised that their proposed units run straight across and do not have a stagger to them like those in Southwood. Mayor Peterman inquired about a five foot black fence, with Mayor Pro Tem Turner stating he would not mind a six foot fence.

Ms. Dana Scott of 412 Old Farm Road Graham stepped forward to address the Council. Ms. Scott stated the request is not fully consistent with the Graham Development Ordinances, nor the 2035 Comprehensive Plan. Ms. Scott provided Power Point slides (Exhibit A) which she had highlighted various sections of Graham's Development Ordinance and Comprehensive Plan. She expressed concern with retention ponds, walking safety, the number of proposed units, injure value of property and the already long car line on Moore Street for South Graham Elementary. She asked Council to deny this request. Mayor Peterman stated that this was Ms. Scott's interpretation of our Ordinances and Comprehensive Plan and that her testimony was opinion. Mayor Peterman addressed some of Ms. Scott's concerns.

Ms. Kirsten Throwbridge of 604 Old Farm Road Graham stepped forward to address the Council. She expressed concern for the current vegetation, stormwater issues, density, impervious surfaces and the location of the retention ponds. She asked Council to deny this request.

Ms. Laurie Pickard of 101 Southwood Court Graham stepped forward to address the Council.

She presented Council with a copy of a list of items submitted to the developer on September 6, 2019 (Exhibit Q), which included all brick construction and raised foundations. She read the list of items into evidence. She added that a few of the items on this list were granted in September 1997 at a City Council meeting. Ms. Pickard submitted into evidence copies of the front and back of the existing Southwood Townhome units (Exhibit Q). She expressed concern with the proposed property lines and exterior maintenance for the new units. Ms. Pickard stated she does appreciate the willingness of the developer to add a sidewalk to help with safety.

Mr. Bobby Minor of 315 Old Farm Drive Graham stepped forward to address the Council. Mr. Minor presented Council Members with literature regarding retention ponds (Exhibit R). He asked the Council to keep the R-12 restrictions in place. He stated that he feels single family homes are better suited in this community. He reiterated concerns for the retention ponds, traffic and schools. He expressed concern with the Planning Ordinance and the Comprehensive Plan. He expressed concern with the vote taken by the Planning Board. Mr. Minor also expressed concern for overcrowding schools.

Ms. Brenda Stanton of 104 Southwood Court Graham stepped forward to address the Council. She stated that it is her understanding that when Southwood was built, it was built in stages by a variety of different developers who were able to meet the requirements of Southwood.

Ms. Jacqueline Dunkle of 510 Winesap Drive Graham stepped forward to address the Council. She expressed concern with the proposed additional parking taking away grass in the front yards. She stated that the investor who bought the property in 2017 knew that it was zoned R-12. She stated that Mr. Deaton told a small group of residents “you’re better off working with me because the City of Graham wants this”. Ms. Dunkle added that the residents do not want this project. She mentioned the Planning Board’s vote 4:3 for denial.

Mr. Marty Unger of 514 Winesap Drive Graham stepped forward to address the Council. He expressed concern with walkability, the number of homes proposed for Moore Street, traffic, mailbox kiosks, garbage container placement and pickup congestion.

Ms. Debra Wagner of 411 Old Farm Road Graham stepped forward to address the Council. She stated she bought her property for the privacy by the trees surrounding it. She expressed concern about crime, traffic, people walking to Sheets and not safe for children to play.

Mr. Steve Sumner of 414 Old Farm Road Graham stepped forward to address the Council. He referenced Mr. Deaton’s statement comparing density to Southwood. Mr. Sumner expressed concern for the increased traffic with 250 homes already approved behind his neighborhood and the additional traffic with this development, believing it creates a bottleneck with traffic. He expressed concern with the retention ponds and water runoff hitting his backyard. Entered into evidence was a video of flooding due to stormwater runoff (Exhibit C).

Mr. Frank Walsh of 404 Aspen Court Graham stepped forward to address Council. Mr. Walsh mentioned the Planning Board voting disapproval. He expressed concern with residents being at a disadvantage because they are not experts. He expressed concern with slab versus crawlspace. Mr. Walsh also stated that conditions two, four, five and six have not been met. He asked Council to deny this request.

At 9:55 p.m., Mayor Peterman called for a ten minute recess. At 10:07 p.m., Mayor Peterman reconvened the Quasi-Judicial Public Hearing.

Following a recap of concerns presented by residents, Mayor Peterman gave Mr. Deaton the opportunity for rebuttal. Mr. Deaton stated that staff has supported the project and that it meets the requirements.

He spoke of the quality of slab construction and there being no difference between crawlspace, raised slab and slab construction. Mr. Deaton stated that the project will have to meet City of Graham design criteria. He added that the Ordinance allows for this type of use in this type of zoning in this location. Mr. Deaton states that they are not asking for anything that the Ordinance does not allow for them to ask for. They are proposing a project that is similar to a residential product that is already there.

Council Member Talley asked if there are certain concessions residents asked for that he is not willing to meet. Mr. Deaton stated that all brick construction would be expensive to build, making it difficult to hit the price point their market research provided. He reiterated that they have met most of what was expressed as concerns. Mr. Deaton spoke of the desired master down they are proposing for some of the units. Council Member Talley asked about slab versus crawlspace construction. Mr. Deaton stated he does not want to create a problem with drainage that already exists with the Southwood crawlspaces, per the residents. Mr. Deaton stated that with slab construction, they will have to grade the site to allow for water collected to be conveyed to a drainage system. He added that there is not a whole lot of difference between slab versus crawlspace as far as how stormwater is dealt with. Council Member Talley asked Mr. Deaton about the lots from front to back. Mr. Deaton that the property a townhome sits on can vary in size with regards to what property is owned by the homeowner. The townhomes he is proposing will still allow for the purchaser to own the land underneath the townhome and will increase the common area maintained by the HOA.

With no further comments forthcoming, Mayor Peterman closed the public input portion of the Quasi-Judicial Public Hearing.

Mayor Pro Tem Turner expressed concern with existing drainage issues and the retention ponds.

Council Member Hall stated he lives in a slab foundation house and has had no problems with drainage. He spoke of slab construction being handicap accessible and that homes in his neighborhood are all built on a slab foundation and are selling within a 90 day period.

Council Member Talley asked Mr. Page if anyone has looked at developing this parcel. Mr. Page stated he does not recall anyone looking at it. Mayor Peterman stated that there was a plan submitted to continue Southwood before the fall of the economy. Council Member Talley referenced page 31 of the The 2035 Plan which calls for predominately detached single family homes. Mr. Page read that section for the record. Council Member Talley also referenced where the Plan calls for garages to be set back from the front of the home and desired to not be in front of the home.

She expressed concern with three cars on each lot, as well as, the safety of stormwater measurements. Mayor Peterman stated that even with R-12, they would have to put the ponds in. Mr. Page stated that probably due to the grade, you would have to put in two ponds. Council Member Talley stated she believes residents have a reasonable expectation when they buy a home and make that investment, they will get something similar and harmonious to what they have now. She believes that if a developer wants to change that zoning, he needs to meet all of the criteria in accordance with the Findings of Fact. She added that she appreciates the developer making the concessions he has, but feels there are other concessions that need to be made. Council Member Talley asked staff if anyone knew why in 1997 they limited the Southwood townhomes to two bedrooms. Mr. Page stated he has reviewed the record but has not been able to determine a reason for it.

Council Member Wiggins spoke of this governmental body having to rule based on facts and not based on their heart. She asked Mr. Page if Council were to approve this tonight, what would it permit the developer to do next. Mr. Page explained that if this were to be approved tonight, the developer would have to go through the Technical Review Committee (TRC) process before any construction could take place. He estimated that the TRC process could take almost nine months.

He added that Mr. Deaton would have to have a State permit to clear the land. Council Member Wiggins spoke of the numerous concerns expressed tonight being ironed out before this would go to the TRC. Council Member Wiggins and Mr. Page spoke of the various entities that make up the TRC.

Mr. Coleman reiterated State Law requires the Council to make their decision based on competent material and substantial evidence. He advised that State Law requires that you do not consider opinion unless it is an expert opinion. Mr. Coleman suggested Council go through the six conditions included in the draft Findings of Fact and Conclusions.

Findings of Fact and Conclusions of Law

1. All applicable regulations of the zoning district in which the use is proposed are complied with.

Council Members unanimously agreed that this has been met.

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

Council Members unanimously agreed that this has been met.

3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.

Mayor Peterman and Mayor Pro Tem Turner expressed concern with the proposed retention ponds. Council Member Wiggins stated that she believes this condition has been met. Council Member Hall stated that he believes this condition has been met. Council Member Talley stated that she believes this condition has not been met. Mayor Peterman referenced the evidence presented with regards to the death rate of children associated with retention ponds for reason to deny.

4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.

Mayor Peterman expressed concern with putting townhomes next to single family homes and how that would affect the values of the single-family homes. Council Member Wiggins stated that she believes this condition has been met. Council Member Talley expressed concern that going from brick to vinyl would affect the value of the homes. Council Member Hall stated he was undecided.

5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.

Mayor Peterman stated that he believes this condition has been met. Council Member Turner expressed concern with this condition. Council Member Talley stated that she believes that there was a reason the townhomes were limited to two bedrooms in 1997. She stated that she thinks those people have a reasonable expectation to keep that consistent going forward. Mayor Peterman stated that no evidence was presented and the 1997 plans cannot be used as an argument. Council Member Talley stated that The 2035 Plan calls for suburban residential which speaks to it to be predominately detached single family homes. Council Member Hall agreed that this condition has been met.

6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.

Mayor Peterman and Council Member Wiggins stated that they believe this condition has been met. Council Member Turner expressed concern with vehicle circulation. Council Member Talley stated that The 2035 Plan states that it is desirable that automobile parking in the suburban residential section be located on the street and behind homes with ingress and egress via rear alleys. She stated that she does not believe this condition has been met. Council Member Hall stated he does not believe this condition has been met.

Mr. Boney expressed concern with the procedure by which Council Members are deliberating this case. Mayor Peterman advised that Council is doing this the right way. Mr. Coleman advised that this is to preserve the record.

With no further deliberation forthcoming, Council Member Talley made a motion that the application be denied. Additionally she moved to adopt the Findings of Fact of Law presented in the staff report with the following revisions: We do not find that the use will not materially endanger the public health or safety if location where proposed and developed. She added that the application is not fully consistent with The Graham 2035 Comprehensive Plan for the following reasons: Principle uses are to be predominately detached single family homes. I do not believe the submission as submitted by the developer meets this criteria. Mayor Pro Tem Turner seconded the motion. Ayes: Council Member Talley, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Wiggins. Motion carried 4:1.

Issues Not on Tonight's Agenda:

Mr. Kimrey of 104 West Elm Street stepped forward and stated that now that the new Council has been seated, he assumes that the City will launch a full investigation into the allegations made against him regarding misappropriation of City funds and corruption.

He added that looks forward to the results of this investigation so he may clear his name, or have the opportunity to represent himself in a court of law where evidence and fact determine results, and not in a court of public opinion.

Mr. Kimrey urged Mayor Peterman to begin this investigation immediately. He concluded by saying he looks forward to the results and thinks the citizens of Graham deserve to know what the truth is. Mayor Peterman challenged the staff to look into this.

Mr. Page expressed concern for our current Special Use Permit process and encouraged Council to look into amending what requires a Special Use Permit. He believes there should be no communication between Council Members and residents during the Special Use Process. Mayor Peterman asked Mr. Page to look into what other towns are doing and report back to Council next month.

Mr. Boney expressed concern with Mr. Page's statement regarding communication during the Special Use Permit process. Mr. Coleman stated that the standard is to avoid ex-parte communication at all possible.

Mayor Pro Tem Turner thanked former Mayor Pro Tem Kimrey and Council Member McClure for their service to the City.

Council Member Talley stated she does think citizens are at a disadvantage when going up against developers in general during Special Use Permit process. She said she has asked the City Attorney to draft something that can be handed out to residents informing them of the Special Use process. She stated that this Council is going to do everything they can to arm the citizens to be able to advocate for themselves and know that when you come here you can structure your argument based on the six items regarding a Special Use Permit. Council Member Talley stated she appreciates people taking time out of their busy lives to come participate in local government. She reminded everyone of the Graham Christmas Parade this Saturday and the tree lighting ceremony on Sunday.

Mr. Maness informed Council Members of the recent passing of Richard Ray. Mr. Ray was a Water Plant Operator and Mr. Maness wanted his service to be documented in our minutes for all time. He asked that everyone keep Richard's family in your thoughts and prayers.

Mayor Peterman advised that the Grand Marshall for the Christmas Parade is long time Graham advocate, Robert Sykes.

At 11:12 p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

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

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

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 12th day of December 2019.

Council Member Talley returned to the bench.

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

Darcy Sperry, City Clerk