

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, March 10, 2020
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, March 10, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Staff Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Nathan Page, Planning Director
Tony Velez, Graham PD Lieutenant

Mayor Jerry Peterman 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.

Consent Agenda:

- a. Approve Minutes – February 11, 2020 Regular Session*
- b. Approve Tax Releases*

MARCH				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
644929	2019	SHARPE, ROBERT	BOAT NOT LOCATED IN CITY LIMITS	5.01
501880	2019	ROGERS, JOSHUA PRESTON	BOAT NOT LOCATED IN CITY LIMITS	54.55
674541	2019	VILLAS ON THE LAKE HOA	COMMON AREA CODED INCORRECTLY	316.87

- c. Approve Tax Collector’s Debt Set-Off Report*
- d. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*
- e. Approve the street closure request by Graham First United Methodist Church to close East Market Street on April 4, 2020 from 9:00 a.m. – 4:00 p.m. for a community Easter “Egg”stravaganza event with the following conditions:*
 - *Provide a Certificate of Liability insurance meeting all City requirements (received)*
 - *Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull item “d”.

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

Concerning item “d”, Council Member Talley questioned why the City has two accountants. City Manager Frankie Maness explained that approximately five years ago, amidst a growing concern for independence, the City chose to contract with Cobb, Ezekiel, Loy & Co. to help prepare the City’s financial statements and contract with Stout, Stuart, McGowen & King, LLP to perform the City’s audit. Council Member Talley expressed her desire to receive monthly financial statements. Mr. Maness and Mayor Peterman advised that Council Members are currently sent the monthly financial statements. Following the brief discussion, Council Member Hall made a motion to accept item “d” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Mr. Tom Boney of the Alamance News stepped forward to address this agenda item with Council Members.

Old Business:

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

Planning Director Nathan Page explained this is a request to rezone the subject property from R-12 to Conditional Residential. The original proposed use was for 37 townhomes, with a mixture of quads, triples, doubles and single units. He added that there were significant amendments made before the Planning Board and the application is now for 19 single-family detached homes on the lots.

Council Member Wiggins asked Mr. Page about his staff report stating the applicant had not responded to the Technical Review Committee (TRC) comments. Mr. Page briefly described the process and advised that the applicant will go back before TRC if/when the rezoning is approved. With no further comments forthcoming for the staff, Mayor Peterman opened the Public Hearing.

Mr. Brandon Martin of 1430 Raspberry Run Graham stepped forward to answer questions from the Council. Council Member Talley expressed concern about density, traffic and lighting. Mr. Martin advised that the project would not be cost effective to develop this property under the current zoning.

Council Member Wiggins referred to the project as excellent, while Council Member Hall called it wonderful. Both commended Mr. Martin.

The following individuals stepped forward to address this agenda item with Council Members:

Kelly Jones – 958 Sunset Dr. Graham	Joey Janicki – 9 Sunset Dr. Graham
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Mayor Peterman closed the Public Hearing. Council Members and staff briefly discussed city services should this developer request annexation at some point. Council Members and Mr. Martin discussed water and sewer line installation, road construction and landscaping.

With no further discussion forthcoming, Council Member Wiggins 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: Rezoning the property would be in consistence with Policy 3.3.2, 5.1.1 and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Before Mayor Peterman could entertain a second, Council Member Talley asked Council Member Wiggins if she would consider amending her motion to include a reduced density to 17. Council Member Wiggins stated she would not, believing it will happen on its own going through the TRC process. Mayor Pro Tem Turner seconded the motion. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

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

Mr. Page explained that the City Council has changed their meeting time to the second Tuesday of the Month. As such, it is staff's recommendation that the Planning Board move their meeting to the fourth Tuesday of the month, and reserve flexibility to change the date at some point in the future. He added that if the Planning Board meets before the 4th Tuesday of the month, most of the time, the mailed notice for the City Council meeting would be sent out after the Planning Board meeting. Mr. Page stated it was his recommendation to increase the fee to cover an additional mailing to advertise for the Planning Board meeting, should those meetings remain on the third Tuesday of each month.

Following a brief discussion between Council Members and staff about current fees and costs for advertising, Mayor Peterman opened the discussion to the floor. Mr. Dean Ward of 1143 Challenge Drive Graham stepped forward to address this agenda item with Council.

Council Member Wiggins 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 reason: NCGS 160A-384 requires notice be sent out at least 10 but not more than 25 days. Council Member Hall seconded the motion and all voted in favor of the motion.

c. Extra Duty Solutions Discussion

Mr. Maness explained that in recent meetings, it was decided that there would be an opportunity to discuss the Extra Duty Solutions (EDS) process provided through the City's emergency services and public safety departments. He added that EDS is used by city businesses and non-city agencies to secure extra duty services through the City's Police Department. Mr. Maness further explained that the Police Department has been providing extra duty services throughout the years, but that the scheduling of officers is now handled through EDS and officers are paid directly by EDS. He advised that EDS is a scheduling service, which helps to mitigate staffing concerns.

Graham Police Lieutenant Tony Velez stepped forward and provided a brief overview of the EDS process. Lt. Velez made it clear that officers voluntarily sign up to work extra duty and that their

supervisor must approve all extra duty work, to ensure that it does not interfere with their scheduled shift with the City of Graham. A general discussion about the program ensued.

Following the discussion, Mayor Peterman reminded everyone that this was a discussion and that no action needed to be taken.

Requests & Petitions from Citizens:

a. Request from Maureen Dolan to change the speed limit to 20 mph for The Villas at Hanford

Mayor Peterman asked for a consensus to have the Police Department study this request in the next month. Consensus was given.

b. Petition for Voluntary Contiguous Annexation for 13.818 acres located at 919 and 957 Woody Drive (GPIN 8884821071 & 8884825405) (AN2001):

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

Mr. Page explained the petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is connected to Woody Drive and Whittemore Road. Water and sewer are both available at this location, with the applicant to extend private lines internal to the development. He added that the annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions – one directing the Clerk to Investigate Sufficiency and one Fixing Date of Public Hearing. Approval of these resolutions does not finalize the annexation, as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.

Council Member Hall asked about current zoning and Council Member Talley asked about annexation process, what the property will be used for and the cost of annexing this property into the City. Mr. Page advised that this property is currently zoned Conditional Residential. Mr. Maness explained the action Council would take at this meeting and then typically the following month. He advised that the ultimate value to the City depends on the end use of the property. Mr. Maness stated he anticipates a positive yield for the City.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a 13.818 acre area on Woody Drive, seconded by Council Member Hall. All voted in favor of the motion.

Council Member Wiggins made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 13.818 acre area on Woody Drive, seconded by Council Member Hall. All voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A 13.818 ACRE AREA OFF WOODY DRIVE (AN2001)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on March 3, 2020, 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 13.818 ACRE AREA OFF WOODY DRIVE (AN2001)**

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 6:00 pm on April 14, 2020.

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

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

BEGINNING at an existing iron pipe on the western right of way of Whittemore Road, said iron pipe also being the northeastern property corner of T Group Land & Development, Inc. described in Deed Book 670, Page 711 in the Alamance County Register of Deeds; thence running from the right of way of Whittemore Road and running with the northern property of T Group Land & Development, Inc.; N 47°58'27" W, 370.49 feet to a new iron rod; thence following the corporate limits line described in Deed Book 696, Page 340 in the registry the next two calls, 1) N 42°37'42" E, 360.00 feet to a new iron rod, thence 2) N 47°18'34" W, 233.89 feet to a non-monumented point on the western right of way of Woody Drive; thence following the right of way on a curve to the right having a radius of 779.83 feet with a chord bearing and distance of N 36°19'07" E, 271.39 feet to a non-monumented point, thence continuing with the right of way N 22°12'19" E, 121.05 feet to a non-monumented point; thence S 81°42'09" E, 65.76 to an existing iron rod on the eastern right of way of Woody Drive, said iron rod also being the southwestern property corner of Richard and Jeanne Neal described in Deed Book 2047, Page 638 of the Registry; thence running from the right of way of Woody Drive, S 81°42'09" E, 219.82 to an existing iron pipe, also being the southeastern property corner of Richard and Jeanne Neal described in Deed Book 2047, Page 638 of the Registry and also being the southwestern property corner of Earl Smith described in Deed Book 246, Page 107 in the Registry, thence S 81°46'51" E, 310.90 to an existing iron pipe on the western right of way of Whittemore Road; thence S 84°47'46" E, 60.00 feet to a non-monumented point on the eastern right of way of Whittemore Road; thence running with the right of way for the next six calls, 1) S 05°12'13" W, 35.16 feet to a non-monumented point; thence 2) on a curve to left having a radius of 247.06 feet with a chord bearing and distance of S 05°42'21" E, 93.52 feet to a non-monumented point; thence 3) S 17°26'48" E, 106.48 feet to a non-monumented point; thence 4) S 14°04'27" E, 90.17 feet to a non-monumented point; thence 5) S 46°06'23" W, 17.58 feet to a non-monumented point; thence 6) S 46°31'20" W, 896.08 feet to a non-monumented point; thence N 55°21'14" W, 61.11 feet to the point and place of BEGINNING containing 13.818 acres more or less.

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.

Issues Not on Tonight's Agenda:

Mr. Ward stepped forward and explained that on behalf of the Planning Board and Board of Adjustment, he was requesting that the City provide an attorney at their meetings. Mayor Peterman stated that the Council would consider this request during the upcoming budget meetings.

Council Member Hall invited everyone to the Piedmont Triad Regional Council's Triad Public Policy Summit on April 1, 2020 at NC A&T.

Council Member Talley asked for an update on the City's new website. Mr. Maness advised that we are hoping to have it done by the end of this month.

Mayor Peterman recognized the excellent job done by the Fire Department and civilians during the recent structure fire on Cannon Street. He suggested we consider looking into a civilian life saving award. He also advised that the Fire Department went live with running EMS calls this week.

At 8:13 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk