

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JANUARY 12, 2021
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, January 12, 2021, via livestreaming media.

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
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Honorary Proclamation of Commendation & Appreciation:

➤ *Cary Worthy – Executive Director, Alamance Arts*

Mayor Peterman read a proclamation recognizing outgoing Alamance Arts Executive Director Cary Worthy. Mr. Worthy joined the livestream and Council Members took turns congratulating him on his upcoming retirement. Mr. Worthy thanked everyone for their support.

**Proclamation of Commendation and Appreciation Honoring Cary Worthy's
24 Years Leading Alamance Arts**

WHEREAS Cary Worthy accepted the position of Executive Director with Alamance Arts on May 27, 1997; and

WHEREAS the transition of the location of Alamance Arts from the Firehouse Galleries in downtown Graham to the current location at 213 S. Main St. known as the Captain White House occurred during his initial year in his career; and

WHEREAS under his leadership, public art in our community has increased, with more than 33 pieces of sculpture installed across the county; and

WHEREAS strong community relationships have been established - connecting the arts to local businesses, other non-profit organizations, and to the citizens of the county and beyond; and

WHEREAS greater than 100,000 visitors have traveled to the Captain White House to view national and regional exhibits wherein through the Wooten fund Alamance Arts has presented Seward Johnson's *Man on the Street* in 2006, *Beyond the Frame: Impressionism Revisited* in 2011, Nathan Sawaya's *Art of the Brick* in 2013, George R. Stroemple personal collection of *Chihuly Venetians* and currently displays Seward Jonson's *Embracing Peace* monumental on the front lawn; and

WHEREAS all second graders in Alamance County have the chance to see live theatre; and

WHEREAS local artists and artisan groups have benefitted from the leadership of Cary Worthy for the past 24 years; and

WHEREAS due to his love of the season, the Christmas show at Alamance Arts transforms the entire first floor of the Captain White House into a one-of-a-kind Christmas specialty boutique; and

WHEREAS Cary Worthy is not only the Executive Director of Alamance Arts, but he is a steward in this community serving on several non-profit boards throughout his tenure, always answering the call to provide art or lend a hand and is better known as a kind, gentle, and creative party coordinator extraordinaire.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY OF GRAHAM THAT: Cary be commended for his outstanding public service to the City of Graham.

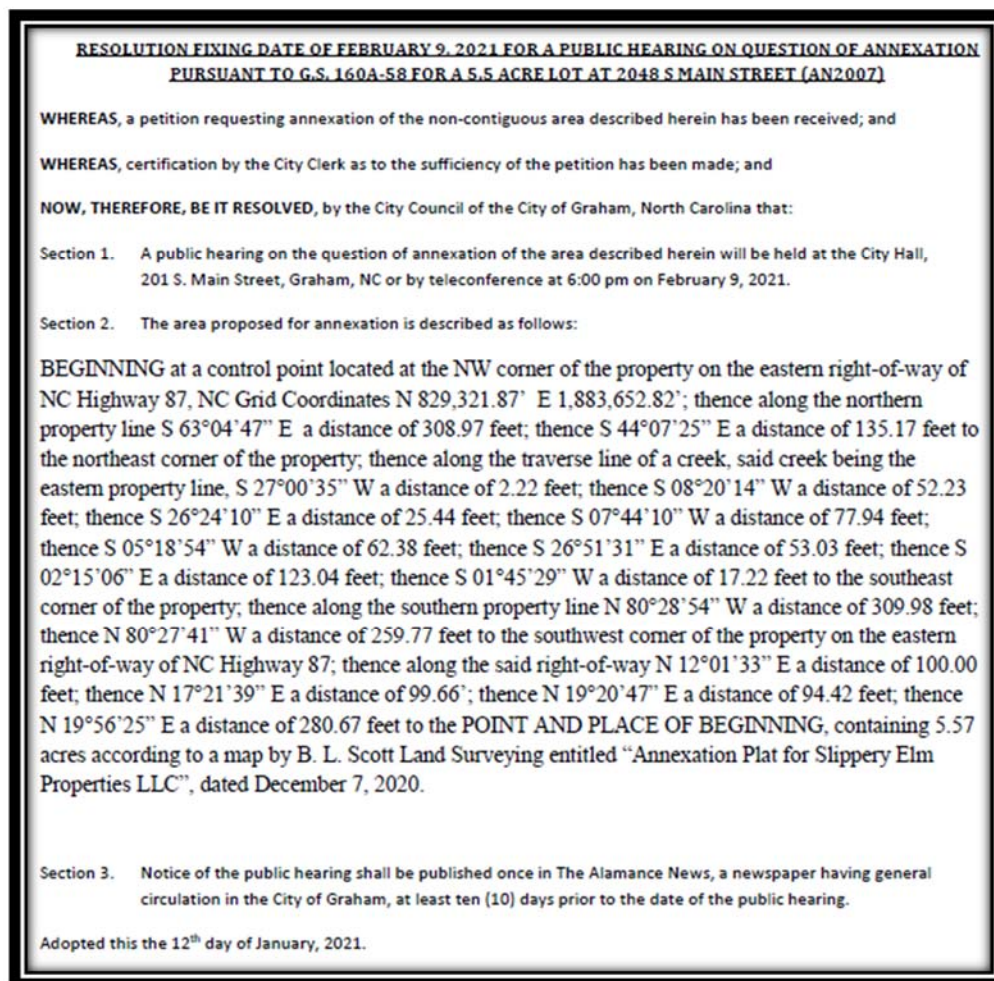
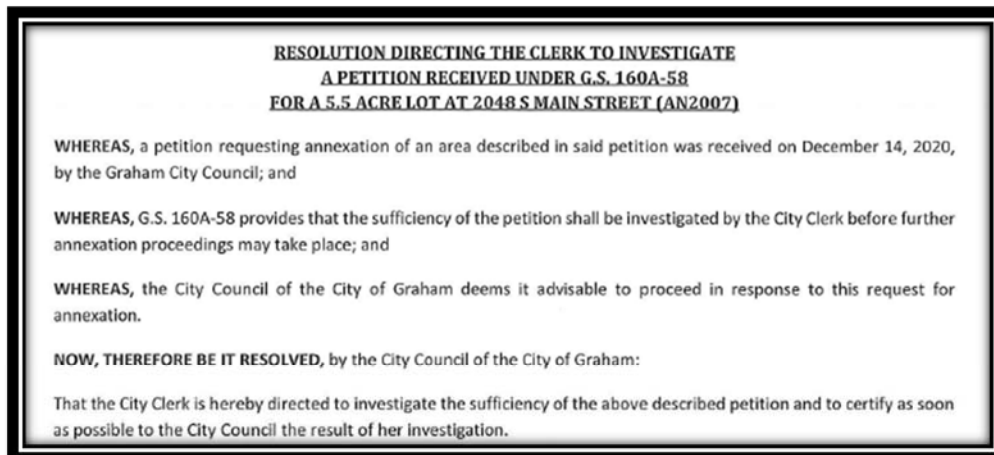
BE IT FURTHER PROCLAIMED THAT: an expression of appreciation be extended to Mr. Cary Worthy in the form of this Proclamation of Commendation and Appreciation, and be presented to him in person.

This the 12th day of January 2021.

Consent Agenda:

- a. *Approve Minutes – December 8, 2020 Regular Session (Virtual)*
- b. *Approve Clerical Correction to Language in Chapter 20, Article V of the Code of Ordinances of The City of Graham, North Carolina for Parades, Demonstrations and Street Events*
- c. *Approve Fire Protection Automatic Aid Agreement*

- d. *Petition for Voluntary Non-Contiguous Annexation for 5.5 (+/-) acre lot located at 2048 South Main Street (GPIN 8882397172) (AN2007):*
- i. *Approve Resolution Requesting City Clerk to Investigate Sufficiency*
 - ii. *Approve Resolution Fixing Date of Public Hearing on Question of Annexation*



Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda and advised that he would like to pull item “b”.

Council Member Ricky Hall made a motion to approve items “a”, “c” and “d” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item “b”, Mayor Peterman deferred to City Manager Frankie Maness. Mr. Maness advised that after consulting with legal counsel, there are revisions to the current Ordinance being considered and recommended tabling this item one month. City Attorney Bryan Coleman echoed Mr. Maness and recommended the motion include delaying the criminal enforcement as well.

Following a discussion between Council Members and staff, Council Member Hall made a motion to approve item “b” on the Consent Agenda. The motion failed to get a second and therefore died. Council Member Melody Wiggins made a motion to move item “b” to next month and suspend criminal enforcement of the Ordinance. Mayor Pro Tem Chip Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

Audit Presentation by Stout, Stuart, McGowen & King, LLP:

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City’s audit report for Fiscal Year 2019-2020. 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 Julianne Cordon, Tax Collector Sandy Callahan and Mr. Maness for their efforts.

Recommendations from Planning Board:

- a. ***Public Hearing: CR0502b Stillhouse Farms Cheeks. Application by Glenn Patterson to amend the initial Conditional Mixed-Use-Residential (C-MXR) that was approved May 3, 2005, and amended on April 14, 2015 for 15.44 acres on Cheeks Lane (GPIN 8883552739)***

Planning Director Nathan Page explained that this is a request to amend the initial Conditional Mixed-Use-Residential (C-MXR) that was approved May 3, 2005 and amended on April 14, 2015. The site remains vacant today. The intention is to redesign the townhome section from 90 to 110 townhomes.

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

Speaking on behalf of the applicant, Mr. Aaron Hutchens of Summit Design and Engineering Services, 320 Executive Court, Hillsborough joined the livestream and fielded questions about buffers, setbacks and roads from Council Members. With no further questions forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved with the following conditions:

- Sidewalk on Cheeks Lane
- Type “A” landscape buffer East of 6 properties
- Final site plan receives TRC approval before certificate of occupancy and/or building permit is issued

She stated this action is reasonable and in the public interest for the following reasons: The approval for an alternative design that retains the existing approval for the quantity of townhomes doesn’t materially affect the vicinity. The approval of CR0502b in alignment with Policy 5.1.1. as well as Strategies 1.1.2. and 4.3.1. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

b. Public Hearing: CR2005 Colonial Heights. Application by Kye Bunker to rezone 57.29 acres off Lacy Holt Road from Residential District (low density) (R-18) to Conditional Residential (C-R) (GPIN 8873512978 & 8873625474)

Mr. Page explained that this is a request to rezone the two subject properties to C-R, Conditional Residential. The proposal is for single family residential and associated accessory uses. This property was originally reserved for the proposed Southern Loop. The proposed rezoning includes a “maximum number of dwelling units = 200” which would come to a maximum density of 3.5 dwelling units per acre. The developer suggested a 30’ evergreen screen along the Northern, Eastern, and Southern perimeters of the property.

Following a discussion between Council Members and staff concerning surrounding properties, zoning, storm water measures/buffers, density, the proposed gate at Wendy Drive, emergency vehicle access and right-of-ways, Mayor Peterman opened the Public Hearing.

Mr. Kye Bunker of LeoTerra Development Inc., 110 A Shields Drive Kernersville joined the livestream and answered questions from Council Members concerning this request. Mr. Bunker advised that he would be willing to give the City an easement should the Council approve the request with the condition not to connect to Wendy Drive.

The following individuals addressed this agenda item with Council Members via the livestream:

Chip King-2278 Sunberry Dr. Graham	Janice Cashion-1820 Lacy Holt Rd. Graham
Keith Wilson-2363 Council Rd. Graham	Mark McKinney-632 Wendy Dr. Graham
Patty Allen-265 W. Shannon Dr. Graham	Catherine Key-718 Wendy Dr. Graham
Leslie Bullis-2015 Mackenna Dr. Graham	Leslie Melton-182 Robbie Ct. Graham
Lonny Schmid-1826 Robbie Ct. Graham	

City Clerk Darcy Sperry read a public comment received from Ariana Lawrence of 639 Wendy Drive Graham. With no more comments forthcoming, Mayor Peterman closed the Public Hearing.

Following more discussion between Council Members and staff, Council Member Wiggins made a motion that the application be approved with the following conditions:

- Wendy Drive will not be connected, but easements will be given to the City for water/sewer and other utilities as necessary

She stated that 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: The absence of the Southern Loop's corridor has allowed the City of Graham to permit additional development at this location, in alignment with policies 3.2.3, 3.2.1, and 5.2.1. Mayor Peterman seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

c. S2006 Colonial Heights. Application by Kye Bunker for a subdivision for up to 200 lots on 57 (+/-) acres off Lacy Holt Road (GPIN 8873512978 & 8873625474)

Mr. Page explained that this is a request to subdivide the approximately 57 acres of the subject property for up to 200 residential lots. The properties are currently vacant. The lots on the end of Wendy and/or Natalie Drive have cul-de-sacs which will need to be returned to a straight street, or left alone, at the discretion of the property owners.

Following a brief discussion between Council Members and staff, 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 reasons: Allowing a subdivision in this location allows for improved water quality (Policy 4.3.1) and provides additional neighborhood connections (Policy 3.2.3). Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

Historic Resources Commission Appointment:

a. Historic Resources Commission – term expires 2024

Mayor Peterman asked each Council Member to nominate a candidate for appointment and explained that following nominations, a vote for appointment would take place.

The following represents the nominations made by Council Members:

Council Member	Applicant
Mayor Peterman	No nomination made
Mayor Pro Tem Turner	Zipporah Clark Baldwin
Council Member Wiggins	Matthew Haley
Council Member Talley	Bonnie Whitaker
Council Member Hall	Bonnie Whitaker

Mayor Peterman narrowed the nomination field to include Matthew Haley and Bonnie Whitaker. The following represents the nominations made by Council Members:

Council Member	Applicant
Mayor Peterman	Matthew Haley
Mayor Pro Tem Turner	Matthew Haley
Council Member Wiggins	Matthew Haley
Council Member Talley	Bonnie Whitaker
Council Member Hall	Bonnie Whitaker

Mayor Peterman made a motion to appoint Matthew Haley to the Historic Resources Commission with a term ending June 30, 2024. Council Member Wiggins seconded the motion. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Talley. Nays: Council Member Hall. Motion carried 4:1.

Issues Not on Tonight's Agenda (Public Comment Period):

Ms. Patty Allen of 265 West Shannon Drive Graham joined the meeting via livestream and asked Council Members to compel the Planning Board to take action on N.C.G.S., Chapter 160D.

Ms. Sperry read an email received from Ms. "Kait", who wished to remain anonymous, regarding gathering limits included in the City's Parades, Demonstrations and Street Events Ordinance.

Ms. Sperry read an email received from Mr. Barrett Brown of 1045 Camelot Lane Graham requesting that Council consider changing the name of Sesquicentennial Park to Wyatt Outlaw Park. Mayor Peterman thought this to be a good request and asked for a consensus to put this request on next month's agenda. Mayor Pro Tem Turner and Council Member Wiggins agreed that this is something Council should consider. Council Member Hall expressed concern with the structural issues that the current park has, while Council Member Talley spoke of the history behind the creation of Sesquicentennial Park.

Council Member Talley reported that the Jimmie Kerr Bridge is in construction and there is hope it will be completed within 60-90 days.

Council Member Talley advised that Ausley's is complaining about the traffic at SunTrust Bank.

Council Member Talley asked if staff had received any feedback on the new water/sewer rates. Mayor Peterman stated he had heard from a couple while Mr. Maness stated he had not had anyone contact him directly.

Mayor Peterman again this month thanked everyone who helped with the Christmas lights.

At 9:35p.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