

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JULY 13, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, July 13, 2021, 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:

Aaron Holland, Interim City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator

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

Code of Ethics Disclosing Conflicts of Interest:

Council Member Jennifer Talley stated that her husband has a request on this agenda. Mayor Peterman made a motion that Council Member Talley be recused from item 3a (Nicks Building Balcony) Encroachment. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

Consent Agenda:

- a. Approve Minutes – June 8, 2021 Regular Session*
- b. Approve Minutes – June 17, 2021 Special Session*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JULY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
686582	2020	COUNTY OF ALAMANCE	PROPERTY EXEMPT - BOAT	\$60.79
686582	2020	COUNTY OF ALAMANCE	PROPERTY EXEMPT - BOAT MOTOR	\$42.27
498065	2017	YDG, LLC	OUT OF BUSINESS IN 2017	\$44.18
498065	2018	YDG, LLC	OUT OF BUSINESS IN 2017	\$57.03
498065	2019	YDG, LLC	OUT OF BUSINESS IN 2017	\$57.03

- d. Approve request to have the Alamance County Board of Commissioners remove Frankie Maness, and appoint Aaron Holland as a Plat Review Officer*
- e. Approve Employee Pension Audit Contract with Stout, Stuart, McGowen & King, LLC*

Council Member Ricky Hall made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins.

Old Business:

- a. **Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)***

Interim City Manager Aaron Holland explained that this is a request to rezone the subject property from I-1 to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. He added that this item was tabled from last month.

Following Council Member Talley's question for verification that nothing has changed with this request since last month, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Amanda Hodiern-804 Green Valley Rd. Greensboro	Tom Boney-Alamance News
Travers Webb-619 E. Harden St.	John Burton-2849 Burlington

Ms. Hodiern addressed Council on behalf of Second Partners, LLC. She advised that her clients have done a feasibility plan that would include some commercial uses in an effort to dissipate the intensity of the multi-family. She spoke to Council about some ideas that her clients have come up with including an upgrade to the force main line, putting a delay on anything more than 300 apartments, and possibly sending sewer to Haw River's treatment plant. She advised that she hopes Council would be willing to consider one of these ideas and is hoping to get this into a development agreement in the future. A general discussion about the various options presented ensued between Council Members, Ms. Hodiern and staff. Following the discussion, Council Members heard Mr. Boney, Mr. Webb and Mr. Burton. Mr. Webb expressed concern that others are speaking on behalf of this project when he is currently the authorized spokesperson for Second Partners, LLC. Mr. Boney inquired as to who owns the property and Mr. Burton advised that he and Mr. Webb were partners in this project but as of this Friday, he and his brother Jack will own all of the property. He informed Council that they will amend the affidavit filed with the City once they are sole owners.

Following the discussion, Mayor Peterman made a motion to postpone this item until the August 10, 2021 meeting. Council Member Hall seconded the motion and all voted in favor of the motion.

- b. **Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)***

Mr. Holland explained that this is a request to rezone the property from I-1 to R-MF (residential multi-family).

The property currently is vacant, and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. He advised that this item was tabled at last month's meeting. With no questions forthcoming, Mayor Peterman opened the Public Hearing.

The following individual addressed this agenda item with Council Members:

Travers Webb-619 E. Harden St. Graham

Mr. Webb expressed concern that at last month's meeting, someone from another project spoke about Mr. Webb's need for sewer. He informed Council that his request does not need sewer. He asked that Council consider the merits of his request on its own and not base their decision on other requests.

Council Members and Mr. Webb discussed sewer capacity, zoning and traffic. Mayor Peterman stated that he would like to see what sewer capacity in that area might look like after hearing back from Second Partners, LLC next month. He asked Mr. Webb if he would be willing to postpone this request for one month. Mr. Webb asked Council to take action at this meeting. At the conclusion of the discussion with Mr. Webb, Mayor Peterman closed the Public Hearing. Council Member Wiggins stated that Mr. Webb has the right to ask Council to move forward with his request. Council Member Talley made a motion to postpone this item until the August 10, 2021 meeting, seconded by Council Member Hall. Ayes: Council Member Talley, Council Member Hall, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Wiggins. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Nicks Building Balcony Encroachment. Request by Jennifer Talley for an encroachment license agreement for the installation of a balcony on the front of the Nick's building located at 102 South Main Street

Mayor Peterman asked Council Member Talley to step down while discussing this agenda item. Mr. Holland explained that the City received a written request from Chuck and Jennifer Talley with supporting photos for a proposed balcony to be installed on the front and side of the Nicks building located at 102 S. Main Street. The proposed balcony is to be re-installed as it was on the historic Nicks building and described in the attached request. He added that 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 advised that the proposed project has not received all necessary approvals from applicable boards. Any conflicts within right of ways will need to be further investigated during TRC review. He advised that staff recommends any approvals to be contingent upon satisfaction of TRC and HRC approval.

A brief discussion between Council Members and staff about encroachment requests coming to Council prior to obtaining HRC and TRC approval ensued. Council Members expressed concern with items coming straight to Council before HRC and TRC, with Mayor Peterman suggesting that we look into policy and making an amendment that would require HRC and TRC approval first. With no further comments forthcoming, Mayor Peterman opened the discussion to the floor.

The following individual addressed this agenda item with Council Members:

Chuck Talley-808 Sideview St. Graham

Mr. Talley expressed concern for the time in which a developer has once they are issued a permit. Mayor Pro Tem Turner stated that he did not see a problem with approving the encroachment agreement because Mr. Talley would still have to go back before HRC and TRC. Council Member Hall agreed with Mayor Pro Tem Turner. Mayor Peterman stated that out of respect for our volunteer boards and commissions, the only way he could see him approving this was if he received approval from Council to be at the HRC and TRC meetings to explain the Council's position and answer questions.

Council Member Hall made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Jennifer Talley for the installation of a balcony on the front and side of the building located at 102 S. Main Street as identified by the submitted photos with the following condition(s):

- Approval by all applicable boards including HRC and TRC prior to construction.
- 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.
- City Council gives permission to Mayor Peterman to go to HRC and TRC to answer any questions that they may have of the City Council.

City Council Wiggins seconded the motion and all voted in favor of the motion. Council Member Talley returned to the bench.

Mr. Tom Boney encouraged Council to consider making a policy change in order to make a procedural change. Mayor Peterman asked staff to look into what other cities are doing. Council Member Talley expressed concern for other projects being approved with language that stated contingent upon approval from TRC. Mayor Peterman advised that staff will look into the matter.

Board & Commission Appointments:

Appearance Commission:

Council Member Wiggins asked City Clerk Darcy Sperry if she had received any updates to Zipporah Clark Baldwin's application regarding employment. She noted that at the HRC meeting, newly appointed member Ms. Clark Baldwin advised that she had recently begun working, but her application stated she is retired. Ms. Sperry advised that she had not received anything from Ms. Clark Baldwin. Consensus was given to move this agenda item until next month's meeting.

Planning Board/Board of Adjustment:

Mayor Peterman made a motion to appoint Jerome Bias to the Planning Board/Board of Adjustment with a term ending 2024, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Recreation Commission:

Mayor Peterman made a motion to appoint Laurie Pickard and Tim Beshel to the Recreation Commission with terms ending 2024, seconded by Council Member Hall.

Tree Board:

The following individual addressed this agenda item with Council Members:

Megan Buckner-Hickman-304 Eastway Ln. Graham
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Mayor Peterman made a motion to appoint Megan Buckner-Hickman and Carmen Larimore to the Tree Board with terms ending 2024, seconded by Council Wiggins. All voted in favor of the motion.

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

Downtown Development Director Mary Faucette mentioned the upcoming Kinfolk and Thursdays at Seven Concert series. She also advised that the Downtown Consumer Survey was extended to July 31, 2021.

Mayor Pro Tem Turner stated that he would like to offer Mr. Holland a two year contract to continue on as Interim City Manager. Mayor Peterman stated that he would like to discuss this and would like to get a report on applications received for the City Manager position.

Council Member Talley asked if the Cemetery Advisory Committee had met yet. Mayor Peterman advised they had not.

Council Member Talley asked about the brick repair to planters in the downtown area. Mr. Holland stated that Public Works Director Burke Robertson is evaluating it.

Council Member Talley asked if there was any information on the BB&T building.

Council Member Talley asked when we would be meeting about grant money. Mr. Holland advised that the City has been asked to pump the breaks until we see if we will receive funds from other grants. He advised that the Council has to approve all fund expenditures.

At 7:54 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