

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

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

Council Members Present:

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

Also Present:

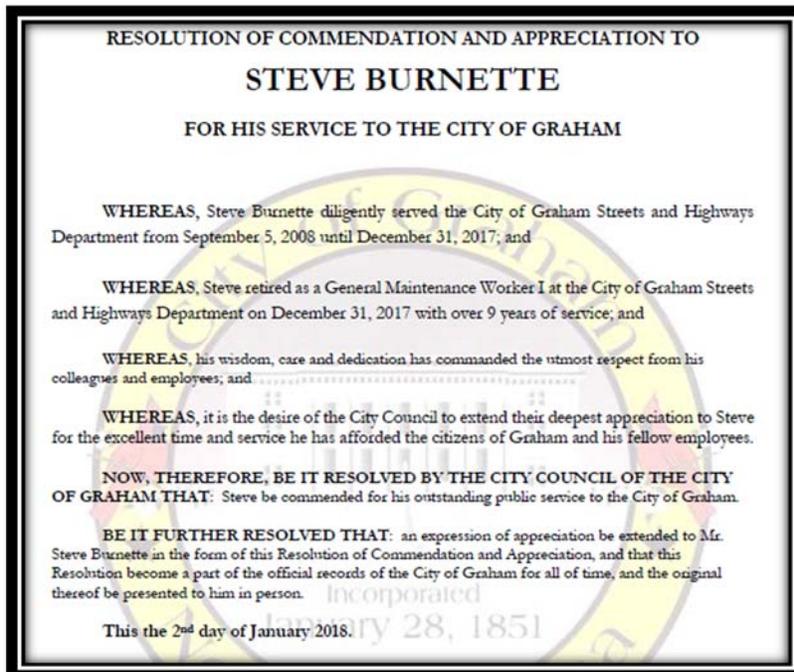
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Sandra King, Finance Director
Brian Faucette, Recreation & Parks Director
Becky Loy, Cobb Ezekiel Loy & Company

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

Honorary Resolution:

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

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



Consent Agenda:

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

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

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

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

Old Business:

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

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

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

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

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

Requests and Petitions of Citizens:

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

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

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

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

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

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

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

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

Recommendations from Planning Board:

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

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

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

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

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

Audit Presentation:

Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP spoke about the City's audit report for Fiscal Year 2016-2017. Ms. Rhodes stated that this is the third year in which her firm has done the audit and spoke favorably about the arrangement that the City maintains with Becky Loy of Cobb Ezekiel Loy & Company. She further stated that all operating funds yielded a surplus for the year, no findings were found and the City received an unmodified opinion – the cleanest and best opinion one can receive. Ms. Rhodes added that there were no difficulties or disagreements with management during this audit.

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

North Carolina Department of Transportation Resolutions:

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

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

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

<p>RESOLUTION REGARDING THE IMPROVEMENTS TO WIDEN AND IMPROVE THE RADIUS AND SIGNAL UPGRADE AT THE INTERSECTION OF NC 54 AND SR 1945 (RIVERBEND ROAD)</p>
<p>WHEREAS, G.S. 136-11.1 requires that the North Carolina Department of Transportation ("NCDOT") request a resolution from all municipalities and counties affected by certain planned transportation projects to express their views on the project prior to any action taken by the North Carolina Board of Transportation ("Board");</p>
<p>WHEREAS, the Department has proposed committing in excess of \$250,000 in High Impact-Low Cost funds for improvements to widen and improve the radius and signal upgrade at the intersection of NC 54 and ST 1945 (Riverbend Road) which is a planned transportation project;</p>
<p>WHEREAS, pursuant to G.S. 136-11.1, the City is provided the opportunity to state its views on the Project through this resolution before action of the Board; and</p>
<p>WHEREAS, the Department and the Board shall consider, but shall not be bound by, the views of the City regarding the Project.</p>
<p>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, THAT:</p>
<p>Section 1. City of Graham supports the Project, to include, as it will enhance the safety of the traveling public in the area and requests the Department and the Board approve the Project.</p>
<p>Section 2. The City believes that the Project should include:</p>
<p style="padding-left: 40px;">A. Pedestrian safety improvements and amenities;</p>
<p style="padding-left: 40px;">B. The closure of the Am-Mex driveway in proximity to the intersection; and</p>
<p style="padding-left: 40px;">C. Alignment of Johnson Ave.</p>
<p>Section 3. This resolution shall be effective upon passage.</p>
<p>This the <u>2</u> day of <u>JANUARY</u> 2018.</p>

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

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

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

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

RESOLUTION REGARDING THE REPAVING OF THE COURT SQUARE AND PORTIONS OF MAIN STREET/HIGHWAY 87	
WHEREAS, The North Carolina Department of Transportation ("NCDOT") is planning to repave a portion of Highway 87 to include the Court Square; and	
WHEREAS, the City has determined improving transportation safety is a priority; and	
WHEREAS, the City has proposed two locations for pedestrian bump-outs, creating additional parking spaces and potentially treating stormwater;	
WHEREAS, NCDOT has granted the City of Graham an encroachment permit to maintain crosswalk treatments within the Downtown;	
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM that:	
Section 1. City of Graham supports the Project, because it will enhance the safety of the traveling public in the vicinity of the Downtown.	
Section 2. That the City will provide for the installation of decorative crosswalks and pedestrian bump outs.	
Section 3. That the City requests the removal of the ditches/troughs on the south side of Court Square.	
Section 4. This resolution shall be effective upon passage.	
This the <u>2</u> day of <u>JANUARY</u> 2018.	

Issues Not on Tonight's Agenda:

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

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

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

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

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

At 9:31 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk