

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MARCH 6, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 6, 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
Alexa Powell, Planner
Brian Faucette, Recreation & Parks Director
Jeff Prichard, Police Chief
Tonya Mann, Utilities Director

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Pastor Stephen Hall of the Anchor Church of Alamance County gave the invocation and everyone stood to recite the Pledge of Allegiance.

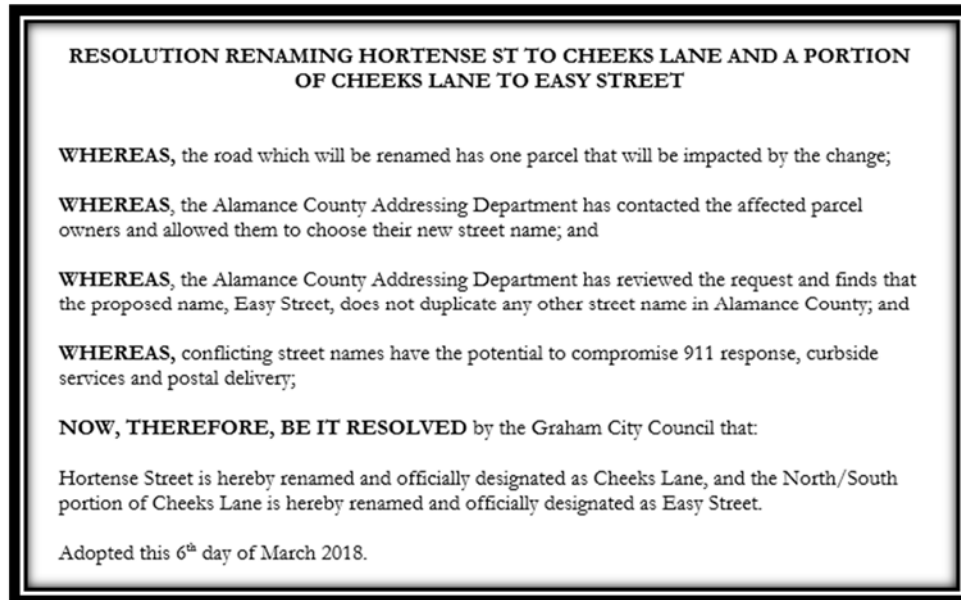
Consent Agenda:

- a. Approval of Minutes – February 6, 2018 Regular Session*
- b. Tax Releases & Refunds*

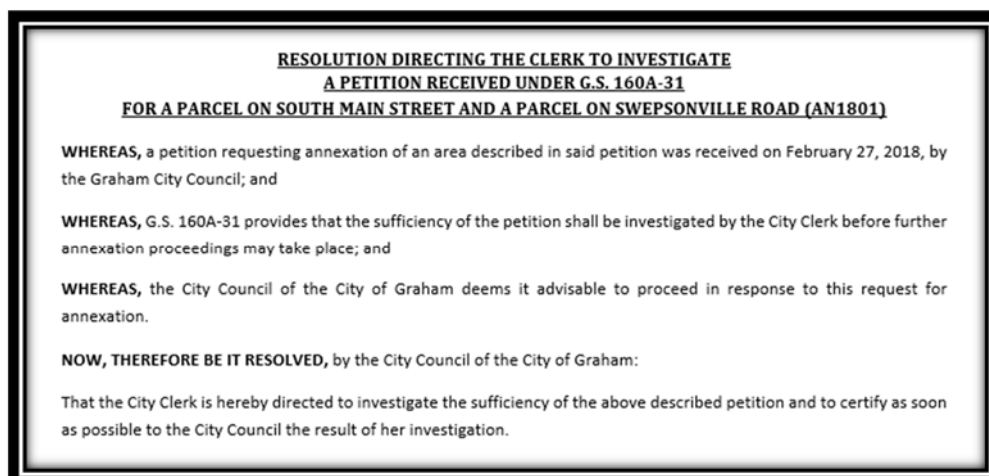
CITY OF GRAHAM RELEASE ACCOUNTS					
MARCH COUNCIL MEETING					
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED	
490163	2017	PUCKETT, THOMAS ROBERT JF	DID NOT LIVE IN CITY OF GRAHAM JAN 1	34.13	
512724	2017	ELLINGTON, SCOTT THOMAS	DID NOT OWN BAYLINER JAN 1	53.69	
552859	2011-2017	RIMAS, JOSE BAUTISTA	MH DOUBLE LISTED WITH ACCT #603726	31.40	
653299	2015	CRUZ, JAVIER	MH LISTED AS 2007 INSTEAD OF 1977	71.75	

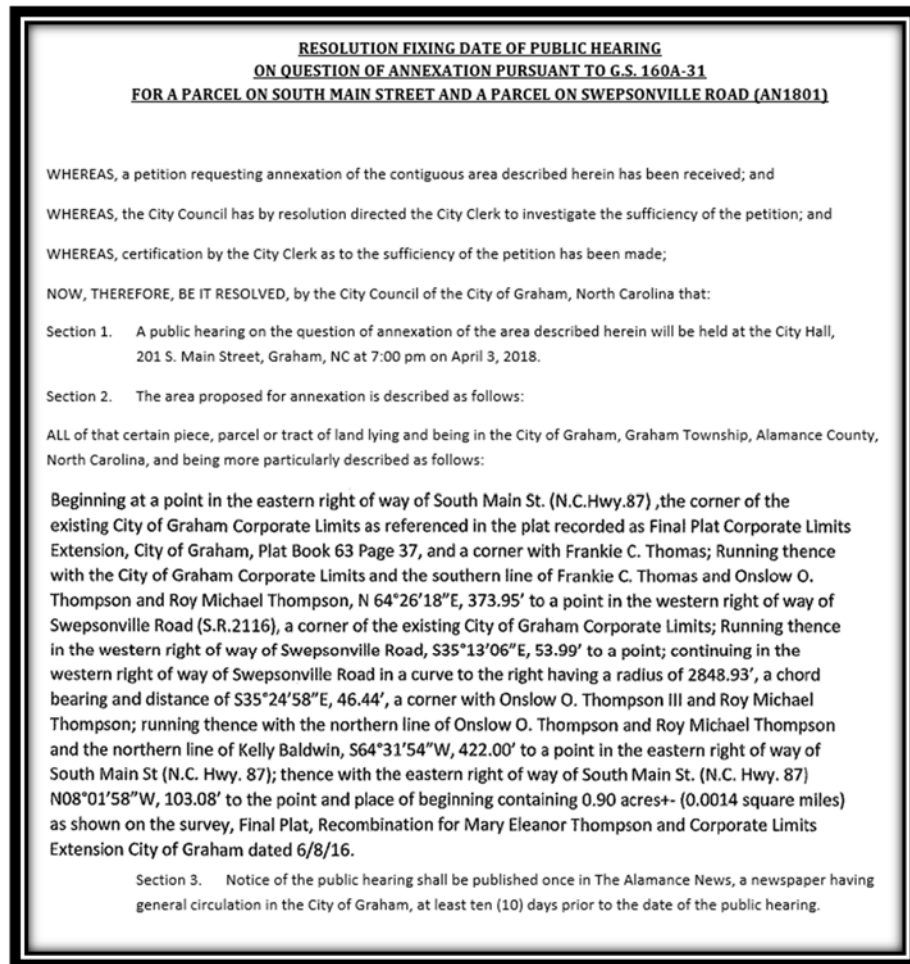
CITY OF GRAHAM REFUNDS					
MARCH COUNCIL MEETING					
ACCT#	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED	
664090	2017	CARTER, ODELL	QUALIFIED FOR HOMESTEAD EXEMPTION	435.23	
664116	2017	PRESTON, LANEY	CORRECTED SQUARE FOOTAGE	282.59	
615344	2017	FIRST CITIZENS BANK	PORTION OF PP CODED WRONG DISTRICT	733.46	

- c. *Approve resolution authorizing the renaming of a portion of Cheeks Lane to Easy Street and Hortense Street to Cheeks Lane*



- d. *Approve request from Graham United Methodist Church to close East Market Street on Saturday, March 24, 2018 from 10:00am-4:00pm for a community Easter “Egg”stravaganza event*
- e. *Approve request from Graham Recreation and Parks to close the 100 block of West Elm Street on Saturday, March 24, 2018 from 5:00pm-11:00pm for the Grown Up Easter Egg Hunt Event*
- f. *Appoint Renee Russell to Appearance Commission – to fulfill the unexpired term of Denise Baker, June 30, 2020*
- g. *Appoint Jeannette Beaudry to Historic Resources Commission – to fulfill the unexpired term of Denise Baker, June 30, 2020*
- h. *Approve resolution requesting City Clerk to Investigate Sufficiency and resolution Fixing Date of Public Hearing on Question of Annexation for a parcel on Swepsonville Road and a parcel on South Main Street (AN1801)*





Mayor Peterman asked if anyone would like to pull any of the items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items "c", "e" and "f".

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

Mayor Pro Tem Kimrey asked Planning Director Nathan Page to explain why we have to approve the renaming streets in item "c". Mr. Page stated that while these are both NCDOT streets, the City is responsible for signage. The request is to accommodate the E-911 system. Mayor Pro Tem Kimrey made a motion to approve item "c" on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked Recreation & Parks Director Brian Faucette to explain the Adult Easter Egg Event referenced in item "e". Mr. Faucette stated that this is the Recreation & Parks first attempt to hold an adult themed event. There will be a \$5.00 admission fee and live band along with a prize filled egg hunt. The 100 block of West Elm Street will be closed to accommodate the event. Mayor Pro Tem Kimrey made a motion to approve item "e" on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey wanted to thank Ms. Denise Baker for her service to the City referenced in item "f". Mayor Peterman asked staff to send a thank you letter to Ms. Baker.

Mayor Pro Tem Kimrey made a motion to approve item “F” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

Old Business:

a. Temporary Outdoor Sales Ordinance Update

Assistant City Manager Aaron Holland explained that due to scheduling conflicts, he has not been able to meet with parties who expressed some concern with language being proposed by staff. He advised that there is a meeting scheduled for this week and asked that Council table this item.

Council Member Turner made a motion to table this item until April, seconded by Council Member McClure. All voted in favor of the motion.

b. Downtown Revolving Loan Fund

City Planner Alex Powell explained that last month City Council directed staff to continue researching options for operating the Revolving Loan Fund for the City. In the course of investigating alternatives, City staff reached out to planners and city managers across the state to identify how other communities operate their revolving loan funds. Ms. Powell added that as a community, our shared interest in the Revolving Loan Fund is providing citizens access to the financial resources they need to pursue their dreams, whether those dreams involve, starting a new business, expanding their existing business or revitalizing buildings in downtown Graham. City staff has five available options include operating the Revolving Loan Fund in-house, a hybrid model, contracting with the Piedmont Triad Regional Council, using the NC Rural Center, or returning the money to the State. Ms. Powell advised that a private lender was contacted but did not respond to our request.

She added that the final plan to the State is due this month. For this reason a final decision on this item and the terms for executing the RLF must be reached at this Council meeting. Staff’s recommendation is to approve the execution of a consulting agreement with the NC Rural Center for the management of a downtown Revolving Loan Fund for the City of Graham.

Council and staff discussed in length the advantages and disadvantages of using a hybrid model, in which the City would work with the Alamance Community Foundation (ACF) versus staff’s recommendation of the Rural Center. Mayor Pro Tem Kimrey liked the idea for more control in who receives loans that would come with the hybrid model. He also prefers the ACF’s 6% interest rate to that of the minimum 8% rate the Rural Center would offer. City Manager Frankie Maness stated we have to be very careful, in that public monies can only be invested in certain ways.

Council Member Wiggins praised staff on the extensive research done. She asked staff what the estimated cost associated with the hybrid model and Rural Center. Ms. Powell stated that the hybrid model is difficult to estimate costs. She gave the example that should the underwriter retained by the City be sued, the City would incur legal expenses for that underwriter. Ms. Powell stated that until we actually get a contract set up with the ACF, it is difficult to compare costs when we do not know at this point what the contract parameters might be.

She advised that the Rural Center has a one-time fee of \$5,000 and would match the City’s \$50,000 investment, making the balance of the Revolving Loan Fund \$100,000. They would also handle all aspects of administering the Fund.

Council Member McClure asked how the City would benefit from using the ACF. Ms. Powell advised that one benefit would be that the City would have no legal requirement to share sensitive financial information about loan applicants. City Attorney Keith Whited spoke about public records laws and stated that what information is made public would be how the agreement is set up.

Council Member Turner asked Mr. Maness how a city can grow their money. Mr. Maness went over the various ways cities can grow their money, but reiterated that we are limited in ways to invest public monies. He added that the number one priority when investing public monies is safety, followed by liquidity and yield. He stated that it is great to gain a higher yield, but we cannot compromise safety and liquidity in the process.

Council Member Turner inquired as to the length of the contract with the Rural Center and the ACF. Ms. Powell advised that the Rural Center contract is for two years, but provides an out clause should the City wish to pursue that.

Mr. Tom Boney of the Alamance News stepped forward to express concern with descriptions given by staff for what is and isn't public record.

Council Member McClure asked Mr. Maness about the timeline for these grant monies. Mr. Maness stated that by June 30, 2018, the funds were to be expended. He advised that we are behind the timeline which we submitted and was subsequently approved by the State of North Carolina Rural Development Division.

With no further discussion, Mayor Pro Tem Lee Kimrey made a motion to authorize the City Manager to sign an agreement with the Alamance Community Foundation and put together the guidelines for the hybrid model, seconded by Council Member McClure. Ayes: Mayor Pro Tem Kimrey, Council Member McClure and Council Member Turner. Nays: Council Member Wiggins and Mayor Peterman. Motion carried 3:2.

c. Statement/Tagline Presentation – Elon University

Mr. Page introduced Mr. Kailen Zorzi, Mr. Aiden Loftus and Mr. Jeremy Keys, students from Elon University. He explained that during last month's City Council meeting, these Elon Marketing students presented a variety of proposed positioning statements and taglines for the City of Graham as part of their undergraduate coursework at Elon University. These statements are the outcome of many in-person interviews with stakeholders, as well as public meetings. The draft statements will allow the City to move forward towards the next step of differentiating ourselves from surrounding municipalities while having a cohesive message to get across to residents, visitors, and individuals looking to move either themselves or their businesses to Graham.

While Council Members did not choose to formally adopt a positioning statement or a tagline for the City, they took turns letting the students know which positioning statement and tagline they liked best. Mayor Peterman thanked the gentlemen for their time and wished them luck with their class grade.

d. Pine Street Speed Limit

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to address Council. At last month's City Council meeting, Ms. Searls asked Council to consider changing the speed limit on a portion of East Pine Street. She asked Council to table this item until after the already approved bike lanes are installed. She stated that she would like to see if those might help slow down traffic in that area.

Council Member Turner made a motion to table this item until after the bike lanes are put in, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Requests & Petitions from Citizens:

a. Downtown Parking Wayfinding Discussion – Chelsea Dickey

Ms. Chelsea Dickey of 200 North Main Street Graham stepped forward and asked Council to consider addressing the need for more parking identification in the downtown area. Currently the City offers free parking in six lots surrounding the downtown area. Ms. Dickey stated that she had discussed this idea with Mr. Holland. Mr. Holland advised Council that after his conversation with Ms. Dickey, he reached out to a local sign company to get an estimate on what parking signs might cost. He presented Council with a couple of sign options and informed Council that he received a quote of \$550 for these parking directional signs.

Council Members and staff talked about the quantity of signs needed, costs, time line for installation and location of signs. All agreed that we need to be able to get people to downtown and into the City's lots.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward to express the need for wayfinding signs. He stated that he believes that the City can make a statement by investing in the downtown area.

Council Member McClure made a motion to pursue parking wayfinding initiative with a cap of \$8,000, seconded by Council Member Turner. All voted in favor of the motion.

b. Request from Brian Fisher for the consumption of beer or wine at the Grown Up Easter Egg Hunt Event on March 24, 2018 from 5:00pm-11:00pm

Mr. Brian Fisher of 148 Chuck Garner Place Graham stepped forward to address Council. He stated that he was making this request on behalf of himself and other Graham business owners. He informed Council that access will be restricted to two entrances, wrist bracelets will be available for purchase and only those wearing wrist bands will be served. He added that no glass containers will be served outside and all alcohol beverages will be in specially marked cups/cans.

Council Members, staff and Mr. Fisher discussed the \$5.00 fee for the event, liability and police presence. Mr. Faucette stated that the \$5.00 fee for this event covers the cost of the band and prizes.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and asked Council if he would be able to bring his own alcohol to this event. Mr. Whited stated no. Mr. Crissman expressed concern that all alcohol sales going through The Verdict.

Mr. Boney stepped forward and stated that he believes the City is setting a poor precedent for alcohol sales at City events and should avoid approving this request.

Ms. Searls stepped forward and suggested dropping "Easter" from the name and call it an Egg Hunt. She stated that she believes that not everyone will want to consume alcohol and there needs to be a way to include everyone.

Mr. Jason Cox of 200 North Main Street Graham stepped forward and stated that he has no issues with this event.

Mr. Fisher stated that his intent was to have several downtown businesses involved but the NCDOT would not allow it. He stated that there may be opportunity for other businesses to have a presence at the event to showcase their products.

Following another brief discussion between Council Members, Mayor Pro Tem Kimrey made a motion to approve the event as requested, seconded by Council Member Wiggins. All voted in favor of the motion.

Recommendations from Planning Board:

- a. **Public Hearing: Grandview Dr. (RZ1801). Request by Scott Wallace to rezone four lots on Grandview Drive from R-9 to R-7 due to survey error, GPIN 8883014496, 8883012482, 8883014424, 8883013453***

Mr. Page explained that due to an error by the original surveyor, the subject lots no longer comply with R-9 zoning. The error was brought to the current developer, Keystone Homes, attention. It is for that reason that they are requesting that four lots on Grandview Drive be rezoned from R-9 to R-7. Mr. Page added that the Planning Board recommended approval.

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

Mr. Gregory Gorrell of 340 Bear Branch Trail Reidsville stepped forward to address Council. Mr. Gorrell stated that he is the surveyor for the current developer. Council and Mr. Gorrell discussed the surveying error and what may have led to the error. Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made the 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; It best utilizes the remaining property there after a mistake was made. Council Member Wiggins seconded the motion and all voted in favor of the motion.

*b. **Public Outreach Efforts – Eric Crissman, Graham Planning Board***

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward to address Council on behalf of the Graham Planning Board. He stated that the Planning Board feels that the City is lacking on how information is disseminated to the public. Mr. Crissman alleged that board and commission members are not always made privy to what Council discusses and feel like they lack a voice in decisions made. Additionally, Mr. Crissman expressed concern with the current setup in the Council Chambers, stating that not all Council Members can be seen and heard by those sitting in the rear of the Council Chambers. He stated that the size of the monitors and sound system are insufficient for the size of the room. Mr. Crissman believes all meetings should be live streamed and archived. He asked Council to consider making the Council Chambers more user friendly, the visuals more acceptable and interaction between Council and the various board and commission members more inclusive.

Mayor Peterman thanked Mr. Crissman and agreed that the Council Chambers sound system and monitors have become outdated. He advised that this is budget season and they will take his concerns about the Council Chambers into consideration. Mayor Peterman told Mr. Crissman that he appreciates the concerns he expressed and that he will look into ways to get the boards and commission members to feel more included.

Back Creek Spillway Bid Award

Mr. Maness explained that this project was incorporated into our annual operating budget as part of the Water Plant's operating budget. This includes repairs to the Spillway, the addition of a Toe Drain at the base of the dam. He informed Council that bids were recently accepted and the lowest responsive bid was for \$208,305.90. Staff recommends approval as the dam is a high priority, high risk asset of the City.

Council Members, Mr. Maness and Utilities Director Tonya Mann discussed the project including bringing the lake down for approximately 60 days while repairs are made, the quality of materials being used and the installation of a Toe Drain as a corrective effort to recent State inspections.

With no further discussion, Council Member Wiggins made a motion to award the contract for Back Creek Reservoir Spillway Joint Sealant Replacement and Toe Drain Addition with Alternate B to Strickland Waterproofing and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, seconded by Council Member Turner. All voted in favor of the motion.

Old Fields/Back Creek Outfall Agreement

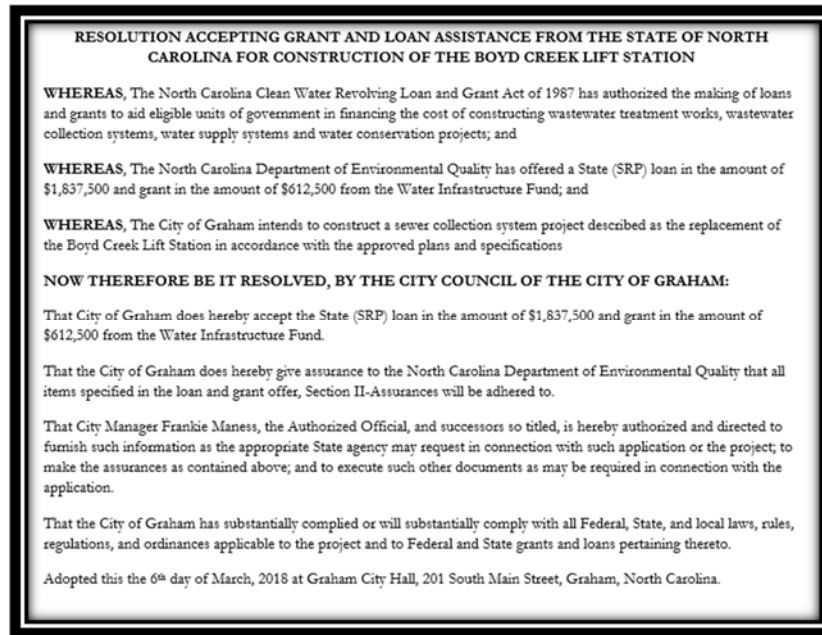
Mr. Maness advised that the developer had requested that the City postpone this request until he receives more concrete dollar figures.

Following a brief discussion in which Mr. Maness outlined the request, Council Members unanimously gave consensus to not take any action.

Boyd Creek Pump Station

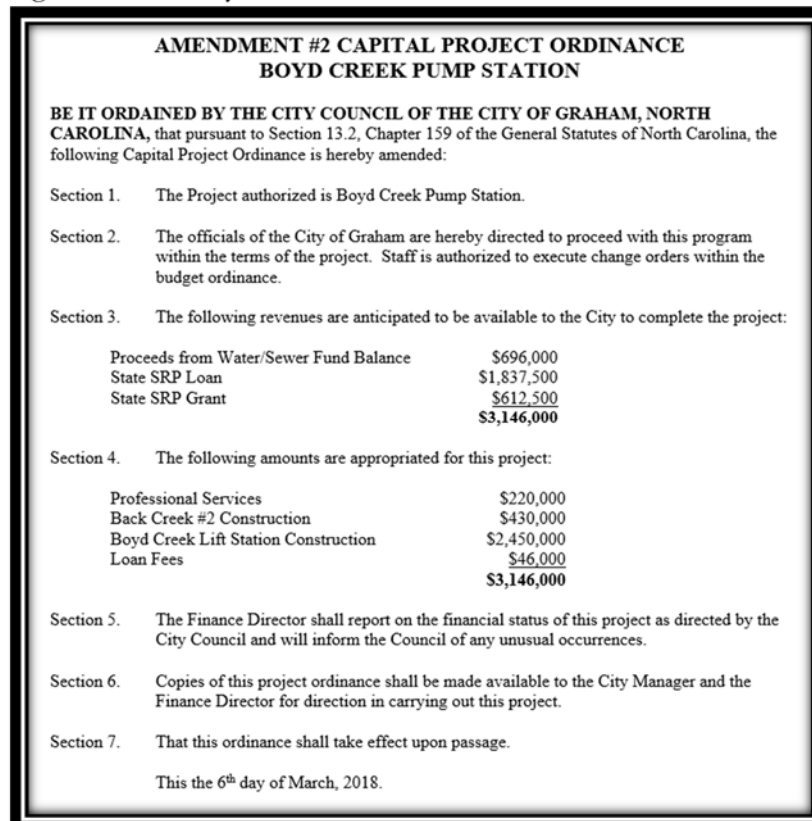
Mr. Maness explained that the Boyd Creek Pump Station has served the City well since 1959. He added that it is a high priority capital project and for the past two years, we have talked about how to finance replacement costs. Mr. Maness reminded Council that they authorized staff to pursue grant/loan funding through the State of North Carolina for the Boyd Creek Lift Station Replacement Project. In August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Staff has submitted and gained approval of the engineering report as well as approval from the Local Government Commission for the loan financing. The estimated cost of the project is estimated at \$2,450,000.

Following a brief discussion between Council Members and staff, Council Member McClure made a motion to approve the Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Pump Station, seconded by Council Member Wiggins. All voted in favor of the motion.



Mr. Maness explained that the Boyd Creek Pump Station Project is actually two projects in one. The first, and most significant, being the replacement of the Boyd Creek Pump Station. The second, and smaller part of the project, is an upgrade to the Back Creek #2 lift station which is now complete. In August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Accounting for those funds is the purpose of the requested budget amendment.

Council Member Wiggins made a motion to approve Amendment #2 to the Boyd Creek Pump Station project budget, seconded by Council Member Turner. All voted in favor of the motion.



First Reading Amendment to the Code of Ordinances – Temporary Parking Permit

Police Chief Jeff Prichard explained that he had spoken to Mr. Maness about a Temporary Parking Permit for construction workers in the downtown area. He stated that parking in the downtown area has been a topic of conversation at the last several Council meetings and after researching what other municipalities in our area are doing, he is recommending a \$5.00 per day fee for this permit.

Council Members and staff discussed the number of permits that can be issued at one time, the length of time a permit might be good for and guidelines for the permit.

Mr. Talley stepped forward to once again address Council Members. While stating that he is in support of what the City is trying to do, he referenced former Police Chief Milford's idea of placing marked traffic cones behind construction vehicles which allowed vehicles to sit in that spot for the duration of construction. He suggested Council look at a different way to charge for this permit.

Council Members unanimously agreed that this ordinance, as proposed, is too vague and therefore by consensus, agreed to table this item. Mayor Peterman asked Chief Prichard to work on this and bring it back to Council.

Proposal to Purchase 516 West Elm Street

City Attorney Keith Whited explained that he has received Confirmation of Intent to Bid for Purchase of Access Parcel Contiguous to Graham Drive and Gene's Automotive Service & Repair for \$5,000. He added that this property is one of those properties that he spoke to Council about during the closed session at last month's Council meeting. This property has ongoing zoning issues, no deed for ownership and Council Members had previously directed Mr. Whited to look into resolving the issues with this property. Mr. Whited advised that he has met with the property owner and legal counsel of Gene's Automotive Service & Repair. All parties are aware that conditions may be required by Council in order for Council to entertain the sale of this property.

Council Members spent time discussing potential requirements such as fence height, fence screening, zoning and whether or not the City might be able to use this property for something in the future.

Mr. James Hunt Johnson of 106B South Maple Street Graham and the attorney for the owner of 516 West Elm Street Graham, stepped forward to answer questions from Council Members. Mr. Johnson was asked if his client understands that conditions may be placed on any potential sale. Mr. Johnson stated that his client is aware that this could be the case. Both he and Mr. Whited are trying to work out something beneficial for both the property owner of 516 West Elm Street and the City of Graham.

By consensus, Council Members unanimously agreed to allow the City of Graham to entertain offers for the Access Parcel Contiguous to Graham Drive and Gene's Automotive Service & Repair.

Issues Not on Tonight's Agenda:

Ms. Dickey stepped forward to ask Council to approve the closure of the alley next to the Scott building on March 8, 2018 for an art event. Mayor Peterman advised that historically, the Council does not take action on items not advertised to the public and therefore could not grant her request.

Mr. Holland advised that the Little Alamance Creek Cleanup is scheduled for March 17, 2018.

Mr. Maness informed Council that the City is now on Twitter and Instagram as well as Facebook. He also mentioned that the newsletter is attached to the email that goes out to customers who receive their bills via email.

Council Member Wiggins asked for prayers for City employee Eva Long with the recent loss of her daughter.

At 10:51 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