

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 4, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 4, 2017, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Jimmy Linens
Council Member Griffin McClure
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Tonya Mann, Utilities Director
Shelby Smith, Pretreatment Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

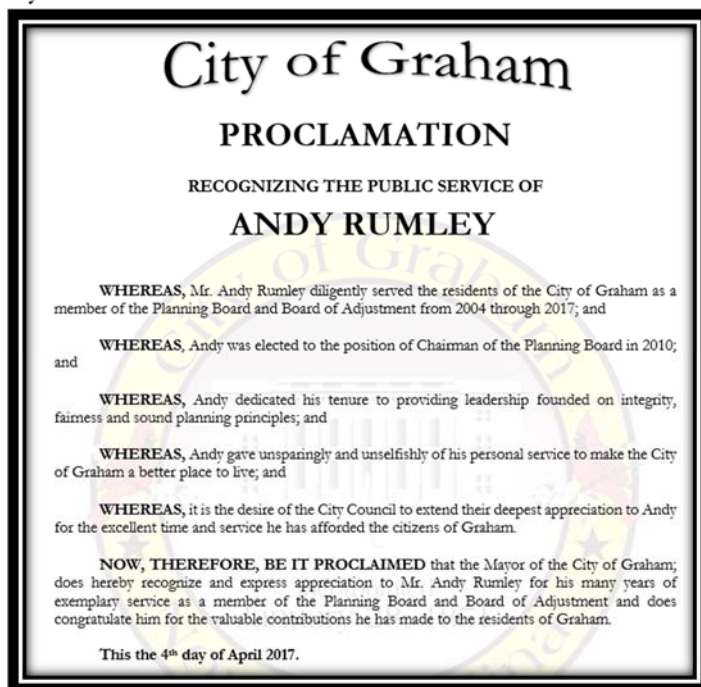
Honorary Proclamations:

➤ **North Graham Elementary School – The Lion King Production Recognition**

Council Member Griffin McClure introduced North Graham Elementary Principal Ms. Nancy Cothren, Drama Teacher Mr. Jordan Clifton and several students in attendance and congratulated them for the successful production they recently put on at the school.

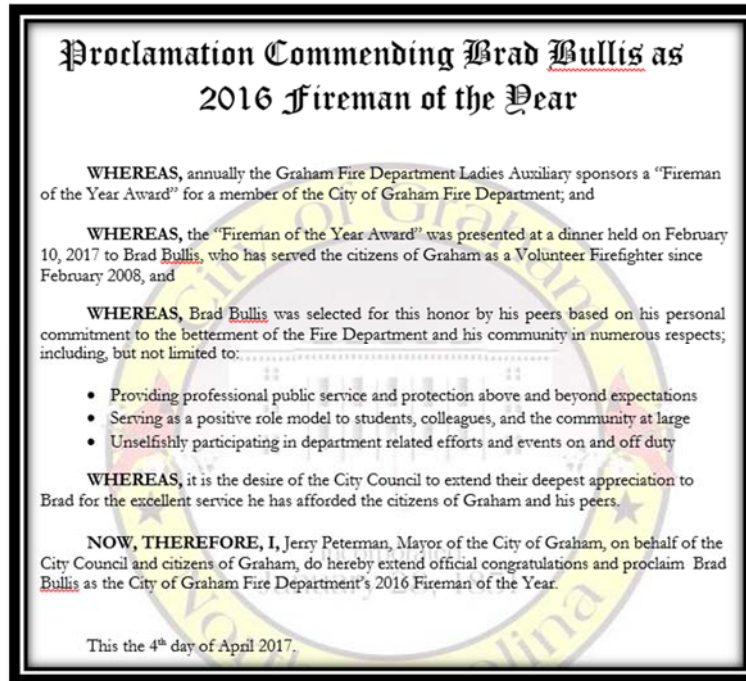
➤ **Andy Rumley – Planning Board/Board of Adjustment Proclamation**

Mayor Peterman read a proclamation honoring former Planning Board Chairman Mr. Andy Rumley for his service to the City. Planning Board Vice Chairman Mr. Ricky Hall accepted the proclamation on behalf of Mr. Rumley.



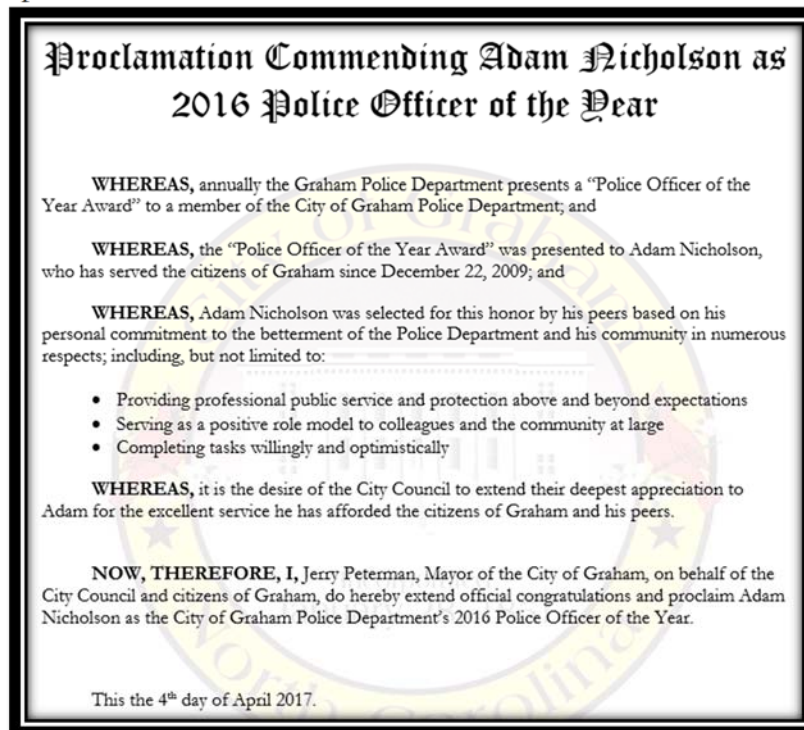
➤ **Brad Bullis – 2016 Fireman of the Year Proclamation**

Mayor Peterman presented a proclamation to Mr. Brad Bullis recognizing him as the 2016 Graham Fire Department's Fireman of the Year.



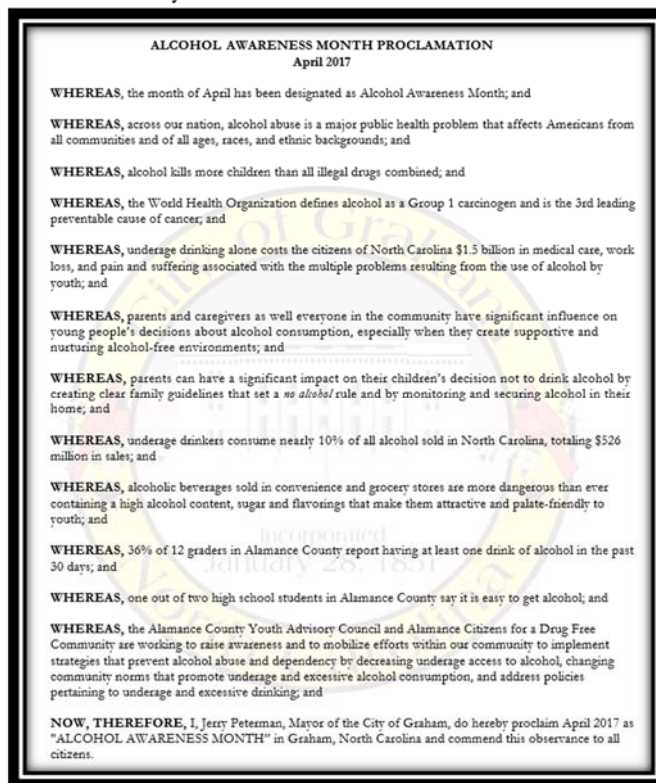
➤ **Adam Nicholson – 2016 Police Officer of the Year Proclamation**

Mayor Peterman presented a proclamation to Mr. Adam Nicholson recognizing him as the 2016 Graham Police Department's Officer of the Year.



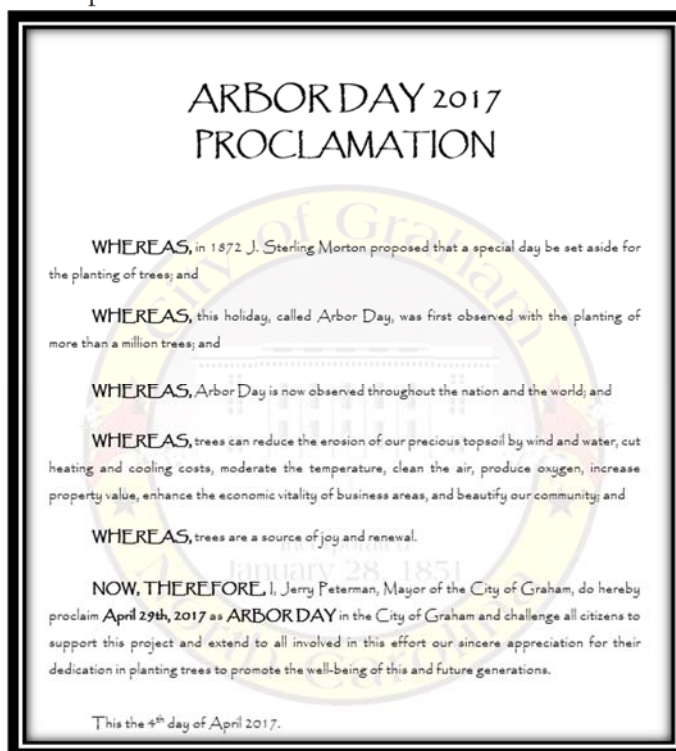
➤ 2017 Alcohol Awareness Month Proclamation

Mayor Peterman presented a proclamation to Ms. Jennifer Arce-Navarete proclaiming April 2017 as Alcohol Awareness Month in the City of Graham.



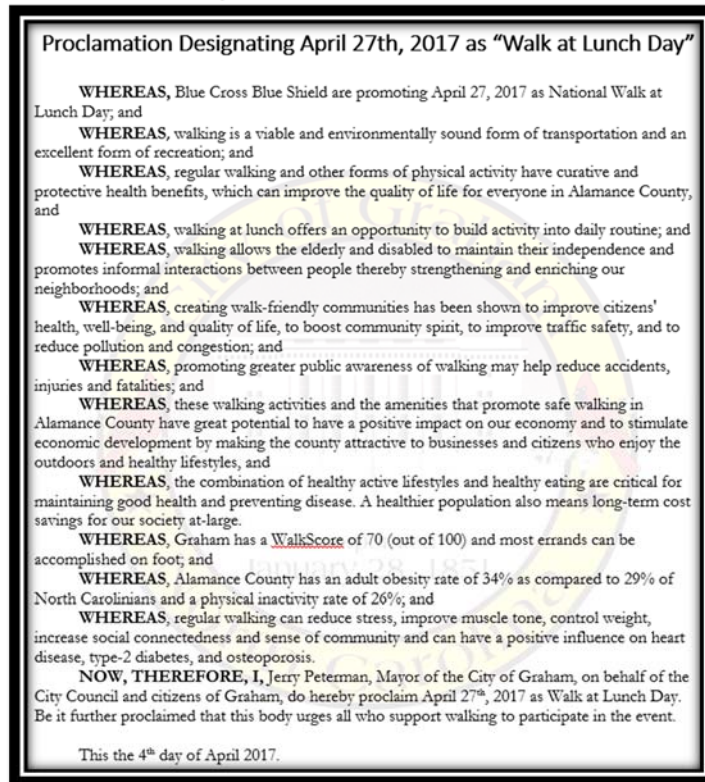
➤ 2017 Arbor Day Proclamation

Mayor Peterman presented the 2017 Arbor Day Proclamation to Ms. Elaine Murrin, Graham Appearance Commission Chairperson.



Consent Agenda:

- a. *Approval of Minutes – March 7, 2017 Regular Session*
- b. *Approval of Minutes – March 23, 2017 Special Session*
- c. *Appoint Eric Crissman to Tree Board*
- d. *April 27, 2017 – Walk at Lunch Day Proclamation*



Council Member Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Boards and Commissions Meeting Venue Discussion

At last month's regular City Council meeting, Council Member Lee Kimrey asked that the Council consider requiring meetings in which grant monies are awarded to be held in the Council Chambers and be recorded. It was decided at that time that due to Mayor Peterman's absence at that meeting, this request would be placed on the April 4, 2017 agenda.

Council Member Kimrey reiterated his belief that when grant monies are awarded, he would like to see those meetings held in the Council Chambers and have an audio recording done as well. Council Members referred to a recent meeting of the Graham Appearance Commission held at the Graham Civic Center. During that meeting, which was not recorded, the Business Beautification Grant awards were made to various businesses.

Ms. Murrin of 1213 Raspberry Run Graham stepped forward and advised Council that she was not aware that Council required a venue change and recording for a meeting as such. Mayor Peterman advised that this is something Council is looking at requiring going forward.

Mr. Chuck Talley, 808 Sideview Street Graham stepped forward and advised that he attended the Appearance Commission meeting being discussed and encouraged Council to require such meetings be held in the Council Chambers in the future.

By consensus, Council Members agreed that all future Boards and Commissions meetings by which there is to be an appropriation of grant monies will be held in the Council Chambers and be audio recorded.

Recommendations from Planning Board:

a. Public Hearing: Mallard Care Home (SUP1701). Request by Garry Wiley for a Special Use Permit to Allow a Family Care Home at 304 Mallard Creek Drive

Mayor Peterman advised that this item had been withdrawn by Staff, adding that the applicant is not required to have a Special Use Permit for this request.

b. Public Hearing: Steve's Rezoning (CR1701). Request by Justin Long to Rezone 329 and 331 West Harden Street from Light Industrial (I-1) to Conditional Business (C-B)

Planning Director Nathan Page explained that this is a request to rezone the subject property from I-1 to C-B. The applicant is proposing to "allow for further expansion to take place closer to the property line and not interfere with the parking lot." The proposed uses for the new zone would include all uses within General Business (B-2), and the rear and side yards would be reduced to zero. The front yard 30 foot setback will be maintained (reduced from the current 50 foot front yard). The property is currently functioning as a grocery store as well as a religious service building.

Council Members and Staff discussed how this rezoning would affect the current businesses at this location and Mr. Page advised that he has granted a Unified Business Development Light use to the business owner. With no further discussion forthcoming, Mayor Pro Tem Jimmy Linens asked that he be recused due to the fact that the petitioners are his daughter and son-in-law. Mayor Peterman made a motion that Mayor Pro Tem Linens be recused, seconded by Council Member Kimrey. All voted in favor of the motion.

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

Council Member McClure asked Mr. Page if he knew why one Planning Board Member had voted against recommending this rezoning. Mr. Page stated he had no additional knowledge of anything other than what was in the Planning Board minutes from that meeting.

Planning Board Member Mr. Dean Ward was in attendance and advised Council that he voted in error at the Planning Board meeting and is not against this rezoning.

Council Member Kimrey made a motion that the application be approved with the following condition: 30 foot setback from Harden Street; and that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: Permitting this Conditional Zoning will create a conforming structure and allow for future expansion of a successful business. Council Member McClure seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Linens rejoined the Council.

c. Public Hearing: Appearance Commission (AM1701). Request by the City of Graham Appearance Commission to Rewrite Their Enabling Ordinance

Mr. Page explained that the Appearance Commission and Tree Board's enabling ordinances are nestled within the Development Ordinance. He added that it was his understanding that this proposed ordinance amendment was approved by the Appearance Commission prior to going to the Planning Board and Council. Mr. Page further stated that this amendment would remove the stipulation that members of the Tree Board must be members of the Appearance Commission as well.

Following a brief discussion between Council Members and Staff, Council Members expressed concern with the proposed language throughout this amendment. Mr. Page stated that he had very little influence in the drafting of this proposed amendment, adding that the Appearance Commission was responsible for this draft.

With no further discussion, Mayor Peterman opened the Public Hearing.

Ms. Jan Searls of 526 East Pine Street Graham stepped forward to address Council. She informed Council that she is currently the Chairman of the Tree Board and that this amendment would mean that those Tree Board members who currently serve on the Appearance Commission as well, would be leaving the Appearance Commission.

Ms. Murrin stepped forward to answer questions from Council. Council Members asked Ms. Murrin about the number of meetings the Appearance Commission held in 2016 and asked about the proposed language concerning residency requirements and removal of members and officers. Council Member Kimrey expressed concern with language allowing someone other than Council to remove members from boards and commissions. Ms. Murrin was receptive to all suggestions from Council and admitted that she followed language found in a model ordinance when drafting this amendment.

Ms. Murrin asked Council what the process is for appointing members to various boards and commissions. Mayor Peterman stated he believes applications are received by the Clerk, sent to the boards and commissions and then they make a recommendation for appointment to Council.

Mr. Tom Boney of the Alamance News asked Ms. Murrin what the underlying reason was for this proposed rewrite. Ms. Murrin answered that it's the Commission's experience that the current ordinance is somewhat weak and does not reflect the Appearance Commission as they would like to see it, as it does not outline the Commission's goals, functions and contributions they would like to see. It also addresses having a seven member Appearance Commission. Mr. Boney asked if the Appearance Commission had voted on this proposed language, whereby Ms. Murrin stated that Appearance Commission members have seen a copy of this proposed amendment, but said she doesn't believe the Commission has voted on it. Council Member McClure stated that he attends the Appearance Commission meetings and remembers it being discussed but not necessarily voted on.

With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members agreed that the language being proposed in this amendment needs revisions and also added that it must be voted on by the Appearance Commission before coming back to Council for final approval. The Tree Board will also have to vote on being separated from the Appearance Commission. Council Member McClure made a motion that this item be tabled to the May 2, 2017 regularly scheduled City Council meeting, seconded by Council Member Kimrey. All voted in favor of the motion.

Boards and Commissions:

a. Planning Board:

i. Appoint New Member to Serve the Remainder of Unexpired Term of Andy Rumley

Mayor Peterman explained that Council must appoint a new member to the Planning Board. This member will be an in city member and will serve the remainder of Mr. Rumley's term.

Council Member Kimrey asked when the term will expire. City Clerk Darcy Sperry advised that this term expires June 30, 2018. Council Member Kimrey inquired as to why these applications were not sent to the Planning Board prior to this Council meeting. Mr. Page stated that requirement is not codified in the Development Ordinance and he was unaware of any concerns the Planning Board may have until after the applicants were notified that Council would be appointing a replacement at this meeting. Mr. Page added that he doesn't believe that it's good practice to allow a board to choose their own replacements. City Manager Frankie Maness stated that typically in the past, we have not had much interest in people wanting to serve on our board. Last June, we had more applicants interested in the same board(s) than in years past and those applications came directly to the City Council.

Council Member Kimrey referred to Mayor Peterman's remarks earlier in the meeting and stated that he too was under the assumption that applications went to the boards for review prior to coming to Council for appointment. Mayor Peterman advised that Ms. Sperry had sent him a note during this discussion stating that applications are not currently being sent to the boards prior to Council. Mr. Maness said that how applications are handled is a decision of the Council. He added that if Council would like for boards and commissions to make recommendations, we can do that. He reminded Council that one of the powers of Council is that they can appoint whom they wish to serve on boards and commissions. Mr. Maness said that there has been some inconsistency throughout the years with some boards making recommendations and others going directly to Council for appointments.

Mayor Peterman expressed concern with a board recommending someone and Council appointing someone else. He wondered about the potential for animosity amongst that board's members.

Jeanette Beaudry of 308 East Harden Street stepped forward and expressed concern that she had submitted a volunteer application for the Planning Board yet her application was not one of those submitted to Council. She added that in the past, she has been called and asked if she was interested in serving on the Planning Board and attended a Planning Board meeting. She stated that at that time, it was between her and one other woman and when it came before Council, someone other than those two women was appointed. She doesn't think that's fair. Ms. Sperry admitted that if Ms. Beaudry had submitted an application for the Planning Board, she may have overlooked it. She explained that when someone is appointed to a board, their application is moved from a pending folder to an archived one. She stated that if Ms. Beaudry's application had multiple boxes checked for multiple boards, she may have inadvertently moved the application without retaining a copy of it in the pending folder.

Ms. Searls stepped forward and expressed concern with membership commitments to boards and commissions. She eluded to the fact that someone can check all boxes on the current application without knowing what commitment level is for each board. She suggested that there be separate volunteer applications for boards. Mayor Peterman stated that he doesn't believe checking all boxes is an issue, instead not having enough applicants has been more of an issue.

Mr. Boney stated that the approach used by other local municipalities is that the application is submitted to the City Clerk and the City Council makes the appointment without input from the various boards and commissions. He added that Council may want to seek a recommendation from various boards for reappointments, but not initial appointments. Mayor Peterman stated that he liked that direction.

Mayor Peterman asked Council how they would like to proceed. Council Member Kimrey stated that he would like to proceed with the appointment due to the fact that the applicants had been informed that Council would be making an appointment at this meeting. All other Council Members agreed to proceed with the appointment.

Mr. Nathan Perry of 213 Guthrie Street Graham stepped forward and thanked Council for considering his application. Council Member McClure asked Mr. Perry about his experience with the Company Shops in Burlington. Mr. Perry replied that he believes that affiliation will be of great value here in Graham. Mayor Pro Tem Linens pointed out that Mr. Perry is currently serving on the Graham Recreation Commission.

Ms. Searls stepped forward and spoke on behalf of applicant Mr. Eric Crissman. She stated that a family matter kept him from being at this meeting himself and added that Mr. Crissman grew up in Graham and is interested in Graham's energy going forward.

Council Member Kimrey nominated Mr. Perry while Mayor Peterman nominated Mr. Crissman. Mayor Peterman polled each Council Member for their vote. Voting for Mr. Perry were Mayor Pro Tem Linens, Council Member McClure and Council Member Kimrey. Recognizing that Mr. Perry received a majority vote, Mayor Peterman advised that he would vote for Mr. Perry. Mr. Perry was appointed to serve the remainder of Mr. Rumley's term. Appointment carried 4-1. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member McClure and Council Member Kimrey. Nays: Council Member Turner.

Wastewater Treatment Plant Intergovernmental Agreement with the City of Mebane:

a. Approve Agreement

Mr. Maness explained that this proposed agreement will further utility operations between Graham and Mebane. He added that the City of Graham and the City of Mebane have partnered in utilities since June 22, 1973, as co-owners of the Graham-Mebane Water Treatment Plant and Reservoir. The Cities further partnered in utilities during the creation of the NCCP, in which water and sewer systems were interconnected and Graham began receiving wastewater from Mebane. In 2006, the City of Graham commissioned the construction of the Cherry Lane Pump Station with regionalization of sewer collection as a secondary purpose. The City of Mebane is requesting that the City of Graham consider a wastewater treatment plant capacity allocation of 750,000 gallons per day (.750 MGD). Under the proposed agreement, up to 750,000 gallons per day of wastewater from the Mebane collection system may be conveyed by the Cherry Lane Pump Station and treated by Graham.

The financial operations under the agreement would look very similar to that of the existing water plant process by which operating costs are divided based on actual flow and capital costs are divided by the allocation of the capacity of the plant. The existing water and sewer arrangement under the NCCP agreement is unaffected by this proposed agreement. In exchange for the 750,000 gallons per day allocation, it is proposed that Mebane will pay the City of Graham a total of \$2,682,464 in annual installments over 20 years.

The City of Graham will realize an undetermined amount of savings in operating expenses and future capital outlays for the WWTP. Over 60% of annual costs to operate the WWTP are fixed, and therefore would be the same regardless of the amount of wastewater treated.

Council Members and Staff discussed when Mebane would start sending sewer to us. Mr. Maness stated that it could be years before we see any volume, but at this point, he cannot say when Mebane would start sending anything to us. Mr. Maness advised that in addition to the \$2,682,464, Mebane would be charged a portion of capital costs and other related costs incurred by us. He added that assuming the City of Mebane sends its entire allocation of 750,000 gallons per day, the wastewater plant utilization would return to its 1996 flow amount and still have 40% of its capacity available. Mr. Maness advised that Utilities Director Tonya Mann and Pretreatment Coordinator Shelby Smith were present to answer any technical questions Council may have but that this agreement is more financial than technical in nature.

Council and Staff continued discussing capacity, finances, the Cherry Lane Pump Station, how this agreement may lessen the burden on the Graham taxpayers, wear and tear on equipment and if this agreement would prevent Graham from being able to service a large sewer user in the future. Mr. Maness stated if a large sewer customer should come to Graham, the revenues gained should support any improvements needed to service that customer.

With no further discussion forthcoming, Mayor Peterman made a motion to approve the Graham/Mebane Wastewater Treatment Plant Intergovernmental Agreement, seconded by Council Member Turner. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Assistant City Manager Aaron Holland reminded Council that the Little Alamance Creek Stream Clean Up is scheduled for Saturday, April 22nd at 9:00 a.m. in Burlington and the Annual Stormwater Public meeting will be held Wednesday, May 3rd at 5:30 p.m. here in the Council Chambers.

Council Member McClure challenged the Council to help address the negative impact the County's recent revaluation has had on Graham property owners. He asked Council to look at demands and what motivates people to want to live in our community.

Council Member McClure also congratulated the 2017 NCAA National Champion Men's Basketball Team.

Council Member Kimrey gave an update on the Southern Loop. He explained that the Transportation Advisory Committee (TAC) recently met and they are unwilling to accept Council's request to eliminate the Southern Loop from Graham altogether. NCDOT requires an alternative route to be in place before it can be eliminated. They have agreed to have the Metropolitan Planning Organization (MPO) reach out to Graham Staff and look at other potential routes. Council Member Kimrey has encouraged Graham Staff members to look at routes outside the City of Graham and outside the City's ETJ. Once those routes are established, they will be brought before Council for a vote, if it is in Graham's jurisdiction. Mr. Page explained that the City had been protecting the corridor that was adopted up until the Council adopted the resolution no longer supporting it. We are no longer protecting any right of way but rather deferring protection of said right of way to NCDOT. Council Member Kimrey asked Mr. Page if we no longer are recognizing the route that is on the map. Mr. Page said that we are happy to recognize it but that the authority switched from the City of Graham to NCDOT when Council adopted the resolution no longer supporting it. Council advised Staff to be sure to inform any potential builder that they need to check with NCDOT if their project falls within the current route.

Mayor Peterman reminded Council of the Graham Sports Hall of Fame Banquet and the Graham Regional Park ribbon cutting.

At 9:15 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk