

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MAY 2, 2017
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 2, 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:

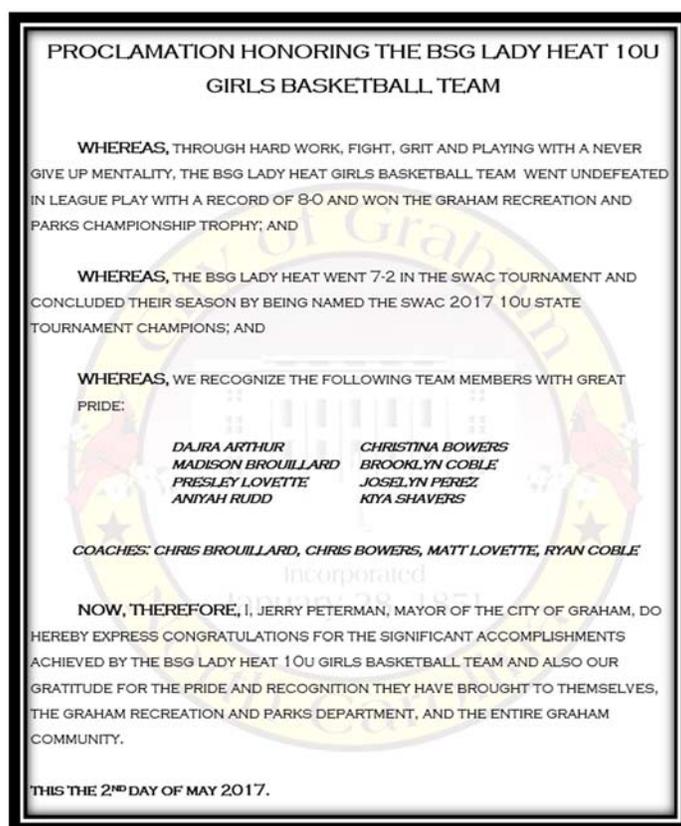
Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
Brian Faucette, Recreation & Parks Director
Lorrie Andrews, Human Resources Manager
Dakota DeYent, Human Resources Intern

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 Recognition & Proclamation:

➤ **Graham Recreation & Parks 10U Basketball League Champions – BSG Lady Heat**

Mayor Peterman read and presented a proclamation to the girls and coaches from the Burlington Sporting Goods (BSG) Lady Heat.



Consent Agenda:

- a. Approval of Minutes – April 4, 2017 Regular Session*
b. Tax Releases

CITY OF GRAHAM RELEASE ACCOUNTS				
APRIL COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
501470	2014	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.73
501470	2015	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.48
501470	2016	MARTIN, GREGGORY A	DID NOT LIVE IN THE CITY LIMITS	1.35
650571	2015	COLLINS, DONALD	AMENDED PP IN 2015-DID NOT OWN	41.05
603448	2014	HOPKINS, SHERRY	MOBILE HOME DBL LISTED IN NEW OWNER	23.32
191142	2009	PREMISE NETWORKS INC	COMPANY DISSOLVED IN 2009 FILED BANKRUPTCY 1-2-2009. ALL ASSETS AND EQUIPMENT SOLD THROUGH BK	775.23
TOTAL RELEASES				844.16

- c. Request from Alamance County Manager Bryan Hagood to block off the North and South side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building for the annual Memorial Day Ceremony on Monday, May 29, 2017 from 9:30 a.m. to 1:00 p.m.*
- d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street*

Upon a request by City Attorney Keith Whited, Mayor Peterman asked to pull item “d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street”.

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

Mr. Whited advised Council that this easement agreement was drafted by Duke Energy and is very broad and gives Duke Energy a lot of authority and control.

Following a brief discussion between Mr. Whited and Council, Council Member Lee Kimrey made a motion to approve item “d. Approve Resolution to grant easement to Duke Energy Carolinas, LLC to install and maintain facilities on City property at 201 South Main Street, 206 South Maple Street and 116 West Pine Street”, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

**RESOLUTION TO GRANT EASEMENT TO DUKE ENERGY CAROLINAS, LLC AT
CITY HALL PROPERTY**

WHEREAS, The City of Graham "City" owns the parcels identified by Alamance County GIS parcel id(s) 145789, 145774, and 145775, also known as 201 South Main Street, 206 South Maple Street, and 116 West Pine Street;

WHEREAS, the City Hall building has been plagued with power loss over the years due to the need of a service line replacement;

WHEREAS, Duke Energy Carolina's LLC requests twenty (20) foot wide easement for the purposes of transmitting and distributing electrical energy and for communication purposes;

WHEREAS, G.S. 160A-273 permits a city to grant easements over, through, under, or across any city property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that:

The City of Graham ("City") hereby grants an easement to Duke Energy Carolina's LLC for the purposes of transmitting and distributing electrical energy and for communication purposes.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the necessary documents on behalf of the City.

Adopted this 2nd day of May 2017.

Old Business:

a. Public Hearing: Appearance Commission (AM1701). Request by the City of Graham Appearance Commission to rewrite their enabling Ordinance

Assistant City Manager Aaron Holland explained that per Council's request at last month's City Council meeting, Staff worked on revising the proposed ordinance. He added that it was Staff's intention to have this revision done in time for the Appearance Commission's May meeting. Due to the decision by Council to table this item at the April 4, 2017 City Council meeting, Staff added it to tonight's agenda so that Council could review what is going to be proposed to and expected to be voted on by the Appearance Commission this month.

Council Member Kimrey expressed concern with some of the proposed language resembling that of our current Façade Grant. He asked for consensus from Council to direct Staff to make revisions to section 10.290, subsection "c" so that it aligns with the current Business Beautification Grant. Consensus was given.

Council Member McClure inquired as to whether or not a plan was in place for getting the Commission down to seven members. Staff advised that it will be up to the Appearance Commission to determine how best to do that.

By consensus, Council Members agreed that the proposed ordinance, with a change to the section referenced above, should be submitted to the Appearance Commission to vote on at their May meeting. Council will then vote on this ordinance amendment at their June 6, 2017 meeting.

Recommendations from Planning Board:

a. Public Hearing: Fee for Appeals (AM1704). A request by Staff to add an Appeal Fee to the City of Graham Rates and Fees Schedule

Planning Director Nathan Page explained that this was an application from the Planning Board to add a fee for appeals to the Ordinance, in an attempt to cover the costs the City must bear when they provide public notice for appeals and to help offset the staff requirements for the quasi-judicial hearings.

Council Members and Staff discussed the number of appeals the City sees, the cost of advertising and mailings as well as the Staff hours put into appeals. Council Members were generally concerned with the fact that imposing a fee might present a financial hardship to some residents.

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

Council Member Kimrey made a motion that the text amendment be denied, the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: the text amendment puts an undue hardship on applicants. Council Member McClure seconded the motion. Yays: Council Member Kimrey, Council Member McClure, Council Member Chip Turner and Mayor Peterman. Nays: Mayor Pro Tem Linens. Motion carried 4:1.

b. Public Hearing: Planning Board Requirements (AM1702). A request by the Graham City Council to amend the City of Graham Development Ordinance to permit real property owners within the City limits to serve on the Planning Board and Board of Adjustment

Planning Director Nathan Page explained he was not in attendance at the meeting in which the Council approved a change to the residency requirements for the Planning Board, but advised that this amendment request came about from citizen request at that meeting.

Council Members expressed concern with how we could effectively verify real property owners with regards to properties that may be in a trust, will or estate. Following this brief discussion and with no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Mayor Pro Tem Linens made a motion that the application be denied and that the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

Mission, Vision and Values Presentation:

City Manager Frankie Maness introduced Human Resources Intern Dakota DeYent, a senior from Elon University. Mr. Maness explained that Mr. DeYent has spent part of this semester working alongside Human Resources Manager Lorrie Andrews as part of his core coursework in Human Services. Part of his coursework was analyzing Mission, Vision and Values statements.

Mr. DeYent explained that in the time spent with the City, he has assisted with an orientation program for new hires and also help to program and implement a new performance evaluation system. Both programs are centered around Mission, Vision and Values statements. His ultimate goal became how to create a high value Mission statement that can be useful in a town or city government. Mr. DeYent surveyed and interviewed City of Graham management, employees and Council Members and based on the responses he received, he created the following draft for future consideration:

Mission Statement:

We are dedicated to creating an attractive, safe, and great place to reside, work, and play. We are committed to efficiently providing exceptional services to our employees and citizens.

Vision Statement:

To establish our identity, plan for our future, preserve our history, and enhance our quality of life.

Values Statement:

Integrity – Honesty and ethics guide our behavior and decisions.

Identity - We recognize that it is not our own perception of who we are, it is our citizens' perceptions that are the most important.

Respect – We will treat all people equally and with dignity.

Reliability – We will consistently and readily provide quality services.

Team Work – We will work together to get the job done.

Council Members thanked Mr. DeYent for the work he put into establishing these statements. Mayor Peterman asked Mr. Maness to provide Mr. DeYent with a letter of recommendation for future employment. Additionally, he asked Ms. Andrews to prepare a formal recommendation to adopt Mission, Vision and Values statements for the Council to consider.

Connect NC Bond Grant:***a. Accept \$500,000 Connect NC Bond Grant and Approve Project Budget***

Recreation and Parks Director Brian Faucette explained the City has been awarded a grant in the amount of \$500,000 to go towards constructing an inclusive playground at the new Graham Regional Park. When approving the application for the grant in 2016, Council agreed to provide a match in the amount of \$350,000. The proposed \$850,000 project includes a fenced playground featuring inclusive equipment and a poured-in-place rubber safety surface, parking lot, sidewalks, restroom, water fountain and associated planning, grading, utilities and contingency. Mr. Faucette added that an inclusive playground is an intergenerational playground designed for individuals to play together regardless of physical challenges or disabilities. An inclusive playground goes beyond ADA accessibility by focusing on all types of disabilities, temporary or permanent and is designed not just for those confined to wheelchairs.

Following a brief discussion between Council Members and Staff pertaining to the overall cost of the playground equipment and ground covering material, the septic system, site changes and grading, Mayor Peterman opened the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion to accept the \$500,000 Connect NC Bond Grant and approve the project budget, seconded by Council Member Turner. All voted in favor of the motion.

**CAPITAL PROJECT ORDINANCE
GRAHAM REGIONAL PARK INCLUSIVE PLAYGROUND**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

- Section 1. The Project authorized is the Graham Regional Park Inclusive Playground.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute required grant documents and change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Connect NC Bond Grant	\$500,000
Proceeds from Fund Balance in General Fund	<u>\$350,000</u>
	\$850,000

- Section 4. The following amounts are appropriated for this project:

Professional Services	42,500
Construction	775,000
Contingency	<u>32,500</u>
	\$850,000

- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. That this ordinance shall take effect on July 1, 2017.

This the 2nd day of May, 2017.

Impact Alamance Grant for Active Transportation:

a. Approve Resolution

Mr. Page advised that Staff submitted an application to Impact Alamance that was based on The Graham 2035 Comprehensive Plan's call for active transportation. While the actual plans have not been laid out yet, the City has secured a \$60,000 grant from Impact Alamance to install bike lanes on Pine Street in the vicinity of Jones Street, running west along Pine Street and end in the vicinity of Home Avenue. Mr. Page added that this grant contains no matching funds from the City.

Council Members and Staff discussed how the bike lanes might affect traffic patterns, speed limits in the areas that contain bike lanes, street width, parking along Pine Street and sharrow. Mr. Page explained that a sharrow is when the bike lane goes away, on street parking is marked and the bike merges into primary traffic before returning to the marked bike lane. With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

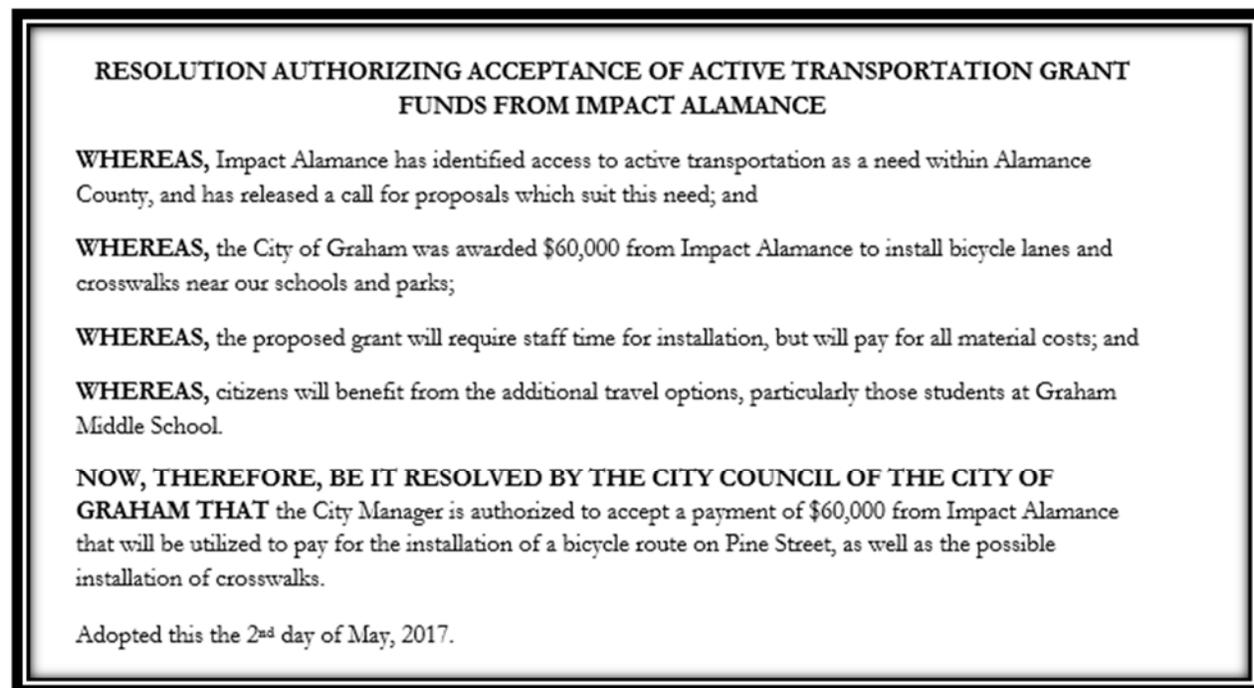
Ms. Jan Searls of 526 East Pine Street Graham stepped forward to express her concern for the current state of traffic in front of her house.

She stated that she would welcome these bike lanes if they would help prevent people not paying attention while driving on that section of East Pine Street. She believes that currently the road is so wide that it does allow for a driver to become distracted. Ms. Searls asked if the bike lanes will be shared by pedestrians as sidewalks are not currently in place in front of her property. Mr. Maness noted that there are sidewalks on portions of Pine Street, although there are none in front of Ms. Searls property. Ms. Searls also expressed concern with parking and asked that residents be involved with the planning of these proposed bike lanes.

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

Council Member Kimrey asked if this request is approved, would the planning from here on out be an administrative decision. Mr. Maness said it would unless it impacts parking or travel lanes that are regulated through our Code of Ordinances. Mr. Maness added that it would be hard for us to give a definitive comment on a certain area because it hasn't been designed yet. He added that Pine Street is a very wide street and we either spend money to tear up existing infrastructure or we find alternative or concurrent uses for existing right of ways. These will be Graham's first bike lanes and might very well lead to interconnectivity between municipalities in the future.

Council Member McClure made a motion to approve the resolution authorizing the City Manager to accept \$60,000 in grant funds from Impact Alamance, seconded by Council Member Kimrey. All voted in favor of the motion.



Encroachment Discussion:

Mr. Page explained that it has been brought up that the City does not have a formal process in place for applicants who wish to have a semi-permanent encroachment into the right of way. Additionally, Mr. Page stated that he believes there is the need for an agreement that legally holds the property owner that has made the improvement responsible for that such that the City is not liable for that improvement.

Mayor Peterman asked Council for a consensus to have Staff research this further and come back to Council with a recommendation at a later date. Consensus was given.

Issues Not on Tonight's Agenda:

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward to thank Council for considering his application when making an appointment to the Planning Board and Board of Adjustment last month. He asked that he be considered for appointment in June when the boards will have a vacancy once again.

Mr. Holland reminded Council that the Annual Stormwater Public Meeting will be held on May 3, 2017 at 5:30 p.m.

Council Member McClure encouraged Council Members to strongly evaluate the County's position with regards to evaluating the County's investment in the education system and how Council might best advocate for the citizens of Graham.

Council Member Turner advised that he had received a complaint from a citizen regarding the manhole cover near Walgreen's Pharmacy. Mr. Maness will reach out to DOT and ask them to address this issue.

Council Member Kimrey asked Mr. Page who is responsible for the \$500 gift card one might win for filling out an online survey with regards to the Graham Downtown area. Mr. Page advised that this is a class project being done by students at Elon University and due to the overwhelming support they received with a previous online survey, Elon University donated the gift card.

Council Member Kimrey asked Mr. Page about the status of the annual review of The 2035 Graham Comprehensive Plan by the Plan's steering committee. Mr. Page stated that the Planning Board is scheduled to review the Plan this year and if they feel something needs addressed, it will be brought to the steering committee's attention at that time. Council Member Kimrey expressed concern with the fact that the Planning Board is making the decision as to whether or not the steering committee meets to review this Plan on an annual basis and not the steering committee meeting to determine if the Planning Board and City Council's decisions are consistent with The Graham 2035 Comprehensive Plan.

Mayor Peterman asked for consensus to move the regularly scheduled City Council meeting on Tuesday, July 4, 2017 to Tuesday, July 11, 2017. Consensus was given.

Mr. Maness advised Council that his proposed budget for FY 2017-2018 is in front of them. He reminded all that the budget workshop is scheduled for May 16, 2017 at 8:00 a.m. here at City Hall.

Mr. Maness announced that the annual Family Fun Day will be held on Thursday, June 1, 2017 at 5:00 p.m. This year's event will be held at the new Graham Regional Park.

At 8:44 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.