

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 1, 2011
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m., on Tuesday, February 1, 2011 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 Jim Albright
Council Member Victor Euliss
Council Member Chip Turner

Also Present:

Chris Rollins, City Manager
Frankie Maness, Assistant City Manager
Aaron Holland, Planner
Keith Whited, City Attorney
Kimberly Harris, City Clerk

Council Members Absent:

None

Mayor Peterman called the meeting to order at 7:00 p.m. He then recognized Council Member Chip Turner who gave the invocation.

CONSENT AGENDA:

January 2010 Tax Releases and Refunds –

CITY OF GRAHAM RELEASE ACCOUNTS						
FEBRUARY						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
582264	2010	6549	ROBERTSON, LINELLE	RE	QUALIFIED FOR HOMESTEAD EXEMPTION	278.92
472642	2010	6960	SHOFFNER CONSTRUCTION	RE	PARCEL WAS COMMON AREA/NO HOUSE	1,170.02
472642	2009	6900	SHOFFNER CONSTRUCTION	RE	PARCEL WAS COMMON AREA/NO HOUSE	1,170.02
TOTAL RELEASES						2,618.96

**CITY OF GRAHAM
REFUNDS**

FEBRUARY

ACCT#	YEAR	RECEIPT	NAME	RE/PP	REASON FOR REFUND	AMOUNT REFUNDED
560523	2009	232	PANFILO RAYMUNDO AMADOR	PP	DOUBLE BILLED	29.92
560523	2010	235	PANFILO RAYMUNDO AMADOR	PP	DOUBLE BILLED	28.00

TOTAL REFUNDS 57.92

As submitted by Sandy Callahan, Tax Collector

Tax Collector's Mid Year Report -

MID YEAR REPORT

January 27, 2011

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	896,914,312	0.445	3,991,089.07
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEAR WITH 0.48 RATE	586,362		2,671.31
<u>ANNEXATIONS:</u>			
<u>ABATEMENTS:</u>	(3,509,089)		(15,984.66)
CURRENT LEVY	893,991,585		3,977,775.72
OUTSTANDING REAL PROPERTY TAXES:			365,290.07
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>22,656.78</u>
TOTAL OUTSTANDING TAXES			387,946.85
CURRENT YEAR TAXES COLLECTED:			3,589,828.87
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			90.25%

I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT TO BEGIN ON THURSDAY, MARCH 17, 2010 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE APPROXIMATELY \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.

Submitted by Sandy P. Callahan, Tax Collector

APC

Approval of Minutes - January 4, 2011 -

Upon motion by Council Member Albright, second by Council Member Turner, the Council voted unanimously to approve the Consent Agenda.

Approve 2010 - 2011 Budget Ordinance Amendment for the Purchase of Three Patrol Cars by the City of Graham Police Department -

City Manager Rollins presented the Budget Ordinance amendment request and explained that Ford Motor Company is discontinuing production of the Ford Crown Victoria Police Inceptor after this year. Ford Motor Company will begin manufacturing a brand new model for law enforcement. He further explained that if the City waits to purchase the new models the costs associated with making a new vehicle patrol ready will be substantially higher because the City would have to acquire completely new and different equipment. Purchasing 3 additional Ford Crown Victoria models this year would be a substantial savings for the City.

Council Member Euliss asked if the City had received the specifications for the vehicles that would be manufactured to replace the Ford Crown Victoria. City Manager Rollins that the only information that known at this time is that the new vehicles will be smaller, front wheel drive with rear-wheel drive option and that it would take an additional 6 to 8 thousand to outfit the new vehicles for patrol.

Council Member Euliss stated that he believed that the specifications on the new cars should be compared against the Crown Victoria Inceptor because the newer vehicles probably had better gas mileage.

Mayor Pro Tem Linens responded that the new models coming out should not be worse in gas mileage and that due to the way police cars are driven, in town, that there would be that much difference.

City Manager Rollins advised that staff would be more confident in purchasing the new models after they have been on the road for a while.

Mayor Pro Tem Linens made a motion to adopt the 2010 – 2011 Budget Ordinance Amendment to increase General Fund Item 10-5100-7400 Capital Outlay Equipment in the amount of \$90,000.00 to purchase three additional patrol cars by the City of Graham Police Department, second by Council Member Turner. Ayes: Mayor Pro Tem Linens, Council Member Turner, Council Member Albright and Mayor Peterman. Nays: Council Member Euliss. Motion carried 4:1.

Council Member Euliss stated that he did not vote to approve the purchase of the Crown Victoria Inceptors because he wanted to see the specifications and gas mileage for the new model.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2010 - 2011 Budget Ordinance shall be and is hereby amended as follows:

	<u>APPROVED</u>	<u>AMENDED</u>	<u>INCREASE</u>	<u>DECREASE</u>
Section 1. Expenditures				
GENERAL FUND				
10-5100-7400 - Capital Outlay				
Equipment	\$ 61,000.00	\$ 151,000.00	\$ 90,000.00	\$ -
Section 2. Revenues:				
GENERAL FUND				
10-3900-0000 Fund				
Balance	\$ 1,251,746.20	\$ 1,341,746.20	\$ 90,000.00	\$ -

As submitted by Sandra King, Finance Officer

Approve Resolution Urging Consideration to the Proposed Total Maximum Daily Load (TMDL) for Little Alamance Creek -

City Manager Rollins introduced Josh Johnson from Alley, Williams, Carmen and King, Inc., who presented the Council with the recommended Resolution Urging Consideration to the Proposed Total Maximum Daily Load (TMDL) for Little Alamance Creek explaining that with approval, the City of Graham will be requesting that the Division of Water Quality reconsider adoption of the current Draft Little Alamance Creek TMDL for Addressing Impaired Biological Integrity.

Mr. Johnson explained that there are four major areas of concern with the current way that the draft TMDL is written:

1. The Little Alamance TMDL will represent the third major water quality program to be enacted in Graham and this watershed in the last 6 years and this regulation is not using any type of adaptive management process.
2. This TMDL uses the surrogate of impervious cover to represent water quality and establish a reduction percentage however it states the TMDL states that no impervious cover has to be removed and the use of surrogates is complicated and confusing.
3. The TMDL is based on results from 5 monitoring stations of which only 1 monitoring station is located inside Graham causing the City of Graham to be responsible for water quality heavily influenced by other jurisdictions.

4. The TMDL does not categorize urban and rural streams separately based on watershed characteristics.

Upon Motion by Mayor Peterman, second by Council Member Euliss, the Council voted unanimously Adopt the Resolution Urging Consideration to the Proposed Total Maximum Daily Load (TMDL) for Little Alamance Creek. All aye.



**RESOLUTION URGING RECONSIDERATION TO THE PROPOSED
TOTAL MAXIMUM DAILY LOAD (TMDL) FOR LITTLE ALAMANCE CREEK**

WHEREAS, the North Carolina Department of Environment and Natural Resources Division of Water Quality in December 2010, published the draft: "Total Maximum Daily Load to Address Impaired Biological Integrity in the Little Alamance Creek Watershed, Alamance County, Cape Fear River Basin", which, if approved, will require additional stormwater regulations on the Little Alamance Creek watershed; and

WHEREAS, the Little Alamance Creek Watershed is partially located within the City of Graham's jurisdiction; and

WHEREAS, the watershed has been subjected to two separate stormwater regulations within the past six years, NPDES Phase II (2005) and Jordan Lake Nutrient Strategy (2009), whose primary purpose is to improve water quality; and

WHEREAS, the proposed draft TMDL establishes an impervious cover removal target of 62% of existing impervious areas; and

WHEREAS, urbanized streams are not the same as rural streams, but by NC DWQ stream classifications, all streams in North Carolina are classified together; and

WHEREAS, the City of Graham's opportunities for improvements in the Little Alamance watershed are limited because the headwaters of Little Alamance Creek are not within the City of Graham's jurisdiction; and

WHEREAS, if approved without modification by the Environmental Protection Agency, the TMDL would be inequitable in its application and may be exorbitant in its cost;


NOW, THEREFORE BE IT RESOLVED that the City of Graham by adoption of this resolution goes on record urging reconsideration to the "Total Maximum Daily Load to Address Impaired Biological Integrity in the Little Alamance Creek Watershed, Cape Fear River Basin" as proposed by the North Carolina Department of Environment and Natural Resources Division of Water Quality in December, 2010; and

BE IT FURTHER RESOLVED that the City Council will advocate for the adoption of urban water quality standards.

ADOPTED THIS 1st day of February, 2011 by the City Council of the City of Graham, North Carolina.


City Clerk, Kim Harris




Mayor Jerry Peterman

Approve Contract for Filter Rehabilitation Project at the Graham-Mebane Water Treatment Plant -

City Manager Rollins explained that Victor Quick, City of Graham Utilities Director, had provided an estimate of \$85,000.00 for the filters numbers 3 and 4 rehabilitation project at the

Graham-Mebane Water Treatment Plant and after receiving bids, recommends Kemp, Inc. at \$84,290.00. Filters 3 and 4 were constructed in 2001 with the plant upgrade and due to decreased efficiency and strict filter effluent turbidity requirements, the filter media needs to be replaced.

Mayor Pro Tem Linens inquired if the City of Graham has experience with Kemp, Inc. and if they are a local company. City Manager Rollins responded that even though Kemp, Inc. was not a local company, they have done very cost effective and efficient work for City twice.

Council Member Turner asked if any complaint had been received. City Manager advised that Kemp, Inc. had not received any complaints for work done at the City of Graham.

Council Member Albright stated that Victor Quick had done a very good job in estimating. Mayor Peterman agreed that Mr. Quick did a very good estimating this job.

Upon Motion by Council Member Euliss, second by Council Member Albright, the Council voted unanimously to award the contract for the Rehabilitation of Filters numbers 3 and 4 at the Graham Mebane Water Treatment Plant in the amount of \$84,290.00 to Kemp, Inc. All aye.

Consider Filling Vacancy on Historic District Commission -

Upon motion by Council Member Euliss, second by Mayor Pro Tem Linens, the Council voted to appoint Brenda Sykes of 1516 Stonegate Drive Graham to serve on the Historic District Commission for a term ending June 30, 2013. All aye.

Upon motion by Council Member Euliss, second by Mayor Pro Tem Linens, the Council voted unanimously to accept the notice of resignation by Ken Morrison from the Historic District Commission. All aye.

Discuss Elm Street Sidewalk Project -

City Manager Rollins explained that the City of Graham received a letter from NCDOT committing funding assistance in the amount of \$100,000.00 toward the construction of the Elm Street Sidewalk project. The total project is estimated at \$325,000.00 of which the City has expended \$40,000.00 for engineering design and easement mapping. With the NCDOT commitment and the City's previous expenditure, the remaining project funding balance is 185,000.00. In the current approved Budget, \$140,000.00 remains for sidewalks which could be allocated starting this fiscal year and finishing next fiscal year. The City of Graham would initially have to enter into a municipal agreement with NCDOT. He advised that staff recommends going forward with this project and requires the consensus of the Council.

Mayor Peterman agreed that this is a much needed project. He questioned the engineers suggested design of splitting the sidewalk at Trollinger Road to continue up the opposite side of Elm Street. Assistant City Manager Maness responded that there have been a lot of challenges with this sidewalk and that if the Council should reach a consensus to go forward that staff

would gather and provide the information showing the reasons for the design in preparation for the municipal agreement with NCDOT.

The City Council reached a consensus to go forward with the Elm Street Sidewalk project.

Items Not Included on Tonight's Agenda -

City Manager Rollins presented the Council with the requested curb and gutter realignment estimate for Holt and Gilbreath Streets at \$6,000.00. Council Member Euliss responded that it looked like a very good plan. City Manager Rollins advised that the Council would have to provide a consensus before going forward.

Mayor Peterman stated that it is the Council's policy to wait when something is brought before them for the first time at a Council meeting. Mayor Pro Tem Linens stated that this is not the first time that this item has been before Council.

The Council reached a Consensus to go forward with Gilbreath Street curb and gutter realignment estimate at \$6,000.00 as the budget allows for these funds.

City Manager Rollins advises that there will be no Planning and Zoning Board meeting for the month of February.

Chuck Grainger of 404 Stonehedge Drive addressed Council voicing concern for the property located along East Gilbreath Street where the sidewalk ends. City Manager Rollins advised that when the sidewalks were originally installed, the City was unable to obtain the easement for that property along East Gilbreath Street. The City will try to reacquire the necessary easements and if not possible the City will look into moving forward with condemning the easement.

Assistant City Manager provided Council with a preliminary handout showing the City's long term debt. He advised that staff would continue looking into finding higher investment rates and possible refinancing. He directed the Council's attention to the footnotes in which outlines that paying any one loan would cut the Water and Sewer Fund balance in half.

City Manager Rollins reminded Council that there is no debt in the General Fund. City Manager Rollins stated that staff was going to do a little more research into paying off long term debt versus not paying off long term debt.

Council Member Euliss responded that the City of Graham is in a lot better shape than a lot of municipalities.

Council Member Albright asked for an update on the Children's Museum. City Manager Rollins replied that there was little construction activity in December due to weather delays. The steel has been ordered and is scheduled for March delivery. Stub-ups for electrical and plumbing work being done now before concrete slab is poured. The schedule is still looking at completion in 2012.

Mayor Peterman announced that George Webster had passed away.

There being no further business Council Member Euliss moved to adjourn, second by Council Member Turner, all aye.

Kimberly Harris, City Clerk