

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JUNE 2, 2015
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 2, 2015, 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 Chip Turner
Council Member Lee Kimrey

Also Present:

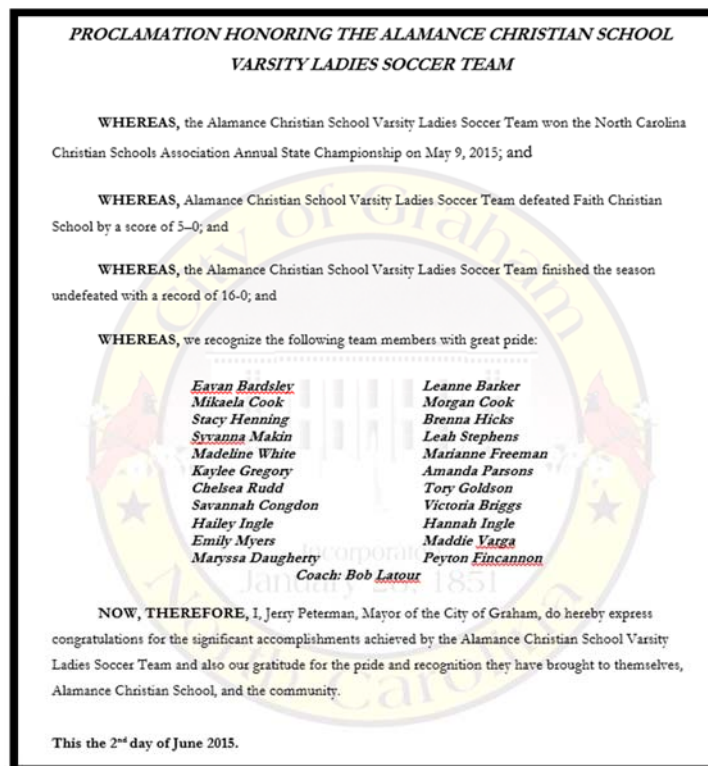
Frankie Maness, City Manager
Darcy Sperry, City Clerk
Nathan Page, City Planner
Michael Leinwand, Special Projects Coordinator
Sandra King, Finance Director
Keith Whited, City Attorney
James Lloyd, Chief Code Enforcement Officer
Melody Wiggins, Recreation and Parks Director

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

Honorary Proclamations and Presentations:

➤ ***Alamance Christian School Varsity Ladies Soccer Team***

Mayor Peterman presented Principal Ken Delorge, Coach Bob LaTour and members of the team in attendance with the following Proclamation:



➤ **2015 Business Beautification Award**


Appearance Commission Chairman Elaine Murrin presented the 2015 Business Beautification Award to Rich and Thompson Funeral Home. Mr. Tommy Brown accepted the award on behalf of Rich and Thompson Funeral Home.

Consent Agenda:

- a. *Approval of Minutes – May 5, 2015 Regular Session.*
- b. *Approval of Minutes – May 11, 2015 Special Session.*
- c. *Approval of Minutes – May 20, 2015 Special Session.*
- d. *Tax Releases.*

CITY OF GRAHAM RELEASE ACCOUNTS						
JUNE CITY COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
23296	2009	5029	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	53.24
23296	2010	5059	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	137.37
23296	2011	5003	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	127.37
23296	2012	5085	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	118.97
23296	2013	5048	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	110.57
23296	2014	5022	MCBROOM, JOHN HEIRS	RE	PROPERTY SOLD AT TAX AUCTION	105.54

e. *Boards and Commissions Appointments.*

<h2 style="margin: 0;">Memorandum</h2>		
To:	Graham City Council	
cc:	Frankie Maness	
From:	Darcy Sperry	
Date:	6/2/2015	
Re:	Boards and Commissions Vacancies and Requests for Re-Appointments	
		
<u>Re-appointment Requests</u>		
<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>
Board of Adjustment Alternate	Andy Rumley	6/30/2018
Canine Review Board	Michelle Morris, DVM	6/30/2018
Graham Historical Museum	Jan Peterman	6/30/2018
Graham Housing Authority	Suzanne Moser	6/30/2020
Planning Board	Andy Rumley	6/30/2018
<u>New Appointments</u>		
<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>
Graham Historical Museum	Marcus Orr	6/30/2018
Graham Historical Museum	Jeanette Beaudry	6/30/2018

- f. Resolution Declaring Certain Personal Property as Surplus and Authorizing Disposal via Public Electronic Auction.*
- g. Resolution to Maintain and Support the Reauthorization of the Land Water Conservation Fund (LWCF) Equitable Treatment of the State Assistance Program.*

Mayor Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. None were forthcoming. Mayor Peterman asked to pull item “e. Boards and Commissions Appointments.”

Council Member Chip Turner made a motion to approve items “a”, “b”, “c”, “d”, “f” and “g” on the Consent Agenda, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

Mayor Peterman extended an offer to speak to Ms. Jeanette Beaudry and Mr. Marcus Orr, who were both in attendance. No comments were received.

Mayor Peterman made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Jim Albright. All voted in favor of the motion.

Requests and Petitions of Citizens:

- a. Public Hearing: Petition for Voluntary Contiguous Annexation 351 Longdale Drive.*

City Planner Nathan Page explained that the Ordinance presented to the Council is the result of an application by Mr. John L. Foust to have water and sewer services extended to this parcel with the intention of building a single family dwelling on the property in the future.

Mayor Peterman opened the Public Hearing. No public comment was received and Mayor Peterman closed the Public Hearing.

Council Member Kimrey made the motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for property at 351 Longdale Drive, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR PROPERTY AT 351 Longdale Drive

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below;
and

WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on June 2, 2015, after due notice by publication on May 14, 2015; and

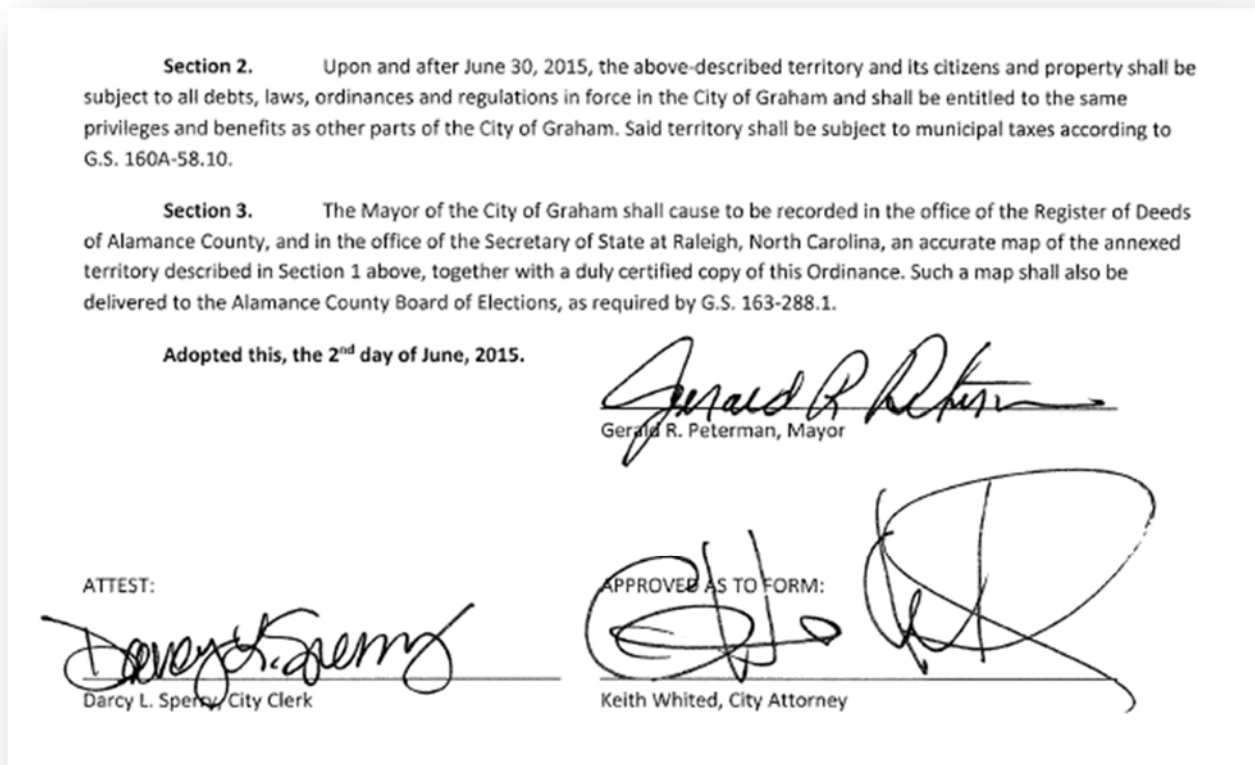
WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of June 30, 2015:

A certain tract or parcel of land in Graham Township, Alamance County, North Carolina, adjoining the lands of Noah Road (S.R. 2218), Longdale Drive, City of Graham Corporate Limits, Lot Nos. 1 and 6 of Final Plat Property of J. L. Foust and others, and more particularly described as follows:

BEGINNING at an iron stake at the intersection of the right-of-way lines of Noah Road (S.R. 2218) and Longdale Drive, and corner with the City of Graham existing corporate limits line, running thence along the right-of-way line of Longdale Drive and City of Graham existing corporate limits line the following two courses and distances: (1) S11° 36' 18"E 19.32 feet to an iron stake; (2) S38° 08' 18"W 157.28 feet to an iron stake and corner between Lot Nos. 6 and 7 of the Final Plat Property of J. L. Foust, a plat of which is recorded in Plat Book 75, at Page 492, in the office of the Alamance County Register of Deeds, running thence along the line between said Lot Nos. 6 and 7 N48° 15' 00"W 156.86 feet to an iron stake corner between said Lot Nos. 6 and 7, and in the line of Lot No. 1; running thence along the line between Lot Nos. 1 and 7 N36° 03' 13"E 105.39 feet to an iron stake corner between Lot Nos. 1 and 7, and in the south 60 foot right-of-way line of Noah Road (S.R. 2218); running thence along the said south right-of-way line of Noah Road (S.R. 2218) and along a curve to the right having a chord bearing and distance of S75° 23' 56"E 155.52 feet, radius of 445.11 feet to the POINT OF BEGINNING and being all of Lot No. 7 of the Final Plat Property of J. L. Foust, containing 22,860 square feet or 0.0008 square miles, a plat of which is recorded in Plat Book 75, at Page 492, in the office of the Alamance County Register of Deeds.



Recommendations from Planning Board

Quasi-Judicial Public Hearing: Alamance Christian School (SUP1502). This is an application from an existing school who intends to achieve compliance with current regulations to allow for future expansion.

Mayor Peterman opened the Quasi-Judicial Hearing and polled the Council for any financial interests, fixed opinions or communications regarding the property. None were forthcoming.

City Clerk Darcy Sperry administered an oath to Mr. Page.

Mr. Page explained that this is an application by the school to bring their property into compliance with our current Development Ordinance. He further explained that the school wishes to add some modular classrooms that can be done with the approval of a Special Use Permit to operate as a school.

Council Members discussed with Mr. Page landscape requirements pertaining to these modular units and requirements for future additions or expansion. Mr. Page indicated that according to the Development Ordinance, projects that are ongoing at a location within a certain amount of time are considered to be the same project. He further stated landscaping requirements installed during the construction of the modular units would not have to be replaced with new landscaping at the time of a subsequent expansion.

Being no further questions, Mayor Peterman closed the Public Hearing.

Council Member Albright made the motion that the application be approved as presented and adopt the Findings of Fact and Conclusions of Law as presented in the staff report and the application is consistent with the *City of Graham Growth Management Plan 2000-2020* and this action is reasonable and in the public interest for the following reason:

- The proposed special use permit is compatible with the area and meets all six conditions required by Section 10.144 of the *Development Ordinance*.

Council Member Kimrey seconded the motion. All voted in favor of the motion.

Findings of Fact and Conclusions of Law

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
 - *The property is zoned R-18, a school is permitted in this zone only with a special use permit.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *There are no conditions specific to "school, elementary or secondary."*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
 - *The continued use of the location as a school will not materially endanger the public health or safety.*
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
 - *The continued use of the location of a school will not substantially injure the value of adjoining property.*
5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
 - *The school is located in a neighborhood residential section of Graham, and is in general conformity with the Growth Management Plan 2000-2020*
6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
 - *Public water and sewer, parking and loading, service entrances and areas, utilities, and signs and lighting are satisfactorily provided.*
 - *Vehicle circulation is being proposed to remain as is. City Council must approve access drives.*
 - *Parking is being proposed to remain as is.*

Termination of Zachary Field Contract

Recreation and Parks Director Melody Wiggins explained that this is a request to terminate one of the three contracts the City has with the Alamance-Burlington School System at the Graham Middle School complex. Ms. Wiggins pointed out that this contract is for the baseball field called Tom Zachary Field and added that the City has had this contract for the past thirty (30) years. Under the terms of the current contract signed sixteen (16) years ago, the City and been operating and maintaining this particular baseball facility. She went on to say that the majority of the use has been to the Graham Middle and Graham High Schools. Based on declining demand for this field by the citizens of Graham, it has been determined that keeping the contract is not cost effective any longer. She stated that Staff would like to renegotiate allowing for continued use of the restroom facilities.

Council Members asked Ms. Wiggins if the use of the restrooms were the only thing we would negotiate in a new contract. Ms. Wiggins said yes. Ms. Wiggins was asked if she had any idea of the amount of money the City has invested in this field over the last thirty (30) years. Ms. Wiggins said if she had to guess it would be “hundreds of thousands of dollars”. Ms. Wiggins was asked about the school’s response to the possibility of terminating this contract. Ms. Wiggins indicated that she has had multiple meetings with Dr. Todd Thorpe of the Alamance-Burlington School System and Dr. Thorpe has been very understanding and supportive of the City’s position on this particular contract.

Mayor Peterman asked if anyone from the floor wanted to speak on this.

Mr. Mickey Cheek, 402 Ashburn St. Graham, NC, asked if the coaches at Graham Middle and Graham High Schools are aware of what the City planned to do. Ms. Wiggins advised that they were made aware that if this contract is terminated, they will have to maintain their own field. Mr. Tom Boney of the Alamance News asked what the financial impact to the City would be. Mayor Peterman said the City will save approximately forty thousand (40,000) dollars annually.

Mayor Pro Tem Linens made a motion to terminate the current Alamance-Burlington School System contract for the Graham Middle School baseball field known as Tom Zachary Field, seconded by Council Member Turner. All voted in favor of the motion.

Public Hearing: Adoption of Budget Ordinance for FY 2015-2016

City Manager Frankie Maness presented the Budget Ordinance: The City’s financial plan for Fiscal Year 2015-2016 with the total of all operating funds being \$18,525,700. He further stated that the tax rate is unchanged at \$.455 per one hundred dollar (\$100.00) valuation and water and sewer charges reflect a 2% adjustment. Special Projects Coordinator Michael Leinwand handed out a copy of the Inspection Fee Schedule, and reviewed changes made from the copy included in the Council’s agenda packet.

Mayor Peterman opened the Public Hearing for public comment. No comments were received and the Public Hearing was closed.

Council Member Lee Kimrey made a motion to adopt the Budget Ordinance for Fiscal Year 2015-2016, including the changes submitted adding structural (total structural square feet) and changes to the plumbing schedule (for multifamily developments, each unit shall be calculated individually for plumbing permits). Council Member Jim Albright seconded the motion. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City Government and its activities for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016, in accordance with the Chart of Accounts heretofore established for the City:

City Council	53,200
Administration	439,300
Information Technology	276,800
Finance	392,100
Public Buildings	129,500
Police	3,336,600
Fire	818,000
Inspections	381,800
Traffic Engineering	28,100
Garage and Warehouse	82,400
Streets & Highways	1,485,800
Street Lights	116,000
Sanitation	619,900
Recreation	763,600
Lake	143,100
Athletic Facilities	181,000
Property Maintenance	669,300
Non-Departmental	790,900
	10,707,400

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016.

Current Year Tax	4,073,000
Prior Year Taxes	45,000
Vehicle Taxes	350,000
Prior Year Vehicle Taxes	15,000
<u>Py Vehicle Int & Coll Fees</u>	2,500
<u>Payt Lieu Taxes</u>	25,000
Storm Water Fee	60,000
Tax Cost & Interest	23,000
Development Fees	1,000
Sale Of Surplus Property	15,000

Privilege License	100
Recycling Proceeds From Surplus	100
FEMA Revenue	100
Miscellaneous Grants	100
Interest On Investments	25,000
School Resource Officer	90,000
Police Donations/Grants	100
Miscellaneous Income	40,000
Insurance Proceeds	1,000
Franchise Tax	1,000,000
Beer And Wine Tax	61,000
Powell Bill	390,000
Local Sales Tax	2,850,000
Solid Waste Disposal Tax	9,000
ABC Revenues	70,000
Bldg & Elect Permits	80,000
Recreation Donations	100
Refuse Fees	288,000
Cemetery Revenue	40,000
Concert Series Donations	1,000
Concession Income	11,500
5k Run - Donations	1,000
Christmas	15,000
Recreation Income	5,000
Recreation Day Camps	40,000
Recreation Rentals	16,000
Recreation Athletics	31,000
Graham Mebane Lake	26,000
Lake Penalties & Fines	100
Lake Shelter Rentals	100
Courts & Fines	15,000
Rent On City Property	28,000
Mebane Lake Revenue	60,000
Fund Balance	903,600
	10,707,400

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations and activities for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016, in accordance with the Chart of Accounts heretofore established for the City:

Water And Sewer Billing	654,200
Water And Sewer Distribution	989,200
Maintenance & Lift Station	291,400
Water Treatment Plant	1,786,300
Wastewater Treatment Plant	1,098,700
Non Departmental Admin	1,949,700
	6,769,500

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016.

Sale Of Surplus Property	2,000
Interest On Investments	10,000
Sewer Surcharges	18,000
Outside Sewer Surcharges	40,000
Water Acreage & Con. Fees	9,300
Sewer Acreage & Con. Fees	9,300
Water Charges	2,697,000
Sewer Charges	2,610,000
Plumbing Permits & Inspections	10,000
Water And Sewer Taps	5,000
Water & Sewer Assessments	100
Miscellaneous Income	5,000
Fund Balance	332,300
Cut Offs	80,000
Mebane Revenue	714,500
Mebane Revenue	127,000
Swordfish-Alamance County	100,000
	6,769,500

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	895,700
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Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2015 and ending June 30, 2016.

Ala Co Fuel	267,000
City Of Graham Parts	167,200
City Of Graham Labor	134,700
City Of Graham Fuel	213,300
Graham Housing Parts	1,100
Graham Housing Labor	1,800
Graham Housing Fuel	7,600
ACTA Parts	48,300
ACTA Labor	35,400
Green Level Parts	3,500
Green Level Labor	3,300
Green Level Fuel	9,200

ABC Fuel	2,900
Interest On Investments	300
Miscellaneous Income	100
	895,700

Section 7. The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
Cemetery Trust Fund	86,000	86,000
Federal Drug Monies	58,000	58,000
State Drug Monies	9,100	9,100

Section 8. There is hereby levied a tax at the rate of \$.455 per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2015 for the purpose of raising the Revenue listed as "Current Year Tax" and "Vehicle Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$999,920,000 (100%valuation) with anticipated collection rate of 97%.

Section 9. Effective upon adoption of the Ordinance, the City of Graham Rates and Fee Schedule is hereby amended as follows:

Laboratory Testing Fees

Heterotrophic Plate Count	\$ 35.00
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Inspection Fees

Building Permit

Minimum Permit Fee	\$ 50.00
Residential (total structural square feet)	\$ 0.25 per square foot
Commercial	\$ 5.00 per \$1,000.00 of value
Building Plan Review, Commercial New	\$200.00
Sign	\$ 50.00

Electrical Permit

Minimum Permit Fee	\$ 50.00
Extra Trip	\$ 25.00 each trip
Mobile Home Park Spaces (1-5)	\$ 50.00
Mobile Home Park Spaces (Extra trip)	\$ 50.00
Saw Service	\$ 50.00
Temporary Service for Construction site	\$ 50.00
Temporary Power per Sec. 10.8 N.C.E.C	\$ 50.00
Residential and Commercial Service	\$ 0.10 per square foot

Low Voltage Wiring	\$ 50.00
Security System	\$ 50.00

Heating and Air Conditioning Permit

Minimum Permit Fee	\$ 50.00 plus \$5.00 per additional
Duct Test (smoke)	\$ 50.00
New Gas Line	\$ 50.00

Insulation Permit

Single Family Dwellings	\$ 50.00
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Plumbing Permit

First Fixture	\$ 50.00
Each Additional Fixture	\$ 8.00
Water Tap Non-sewer use	\$ 50.00

Mobile Homes

On-site inspection for HUD labeled homes	\$100.00 all inclusive
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Miscellaneous Building

ABC Inspection	\$ 100.00
Driveway Permit ²	\$ 50.00
On-Site Consultations (all trades)	\$ 50.00
Tanks (50-10,000 gallons)	\$ 50.00

User Fees**Refuse Fees**

* Garbage Land Fill Tipping Fee	\$ 2.75 per month
** Extra Garbage Container	\$ 2.75 per month plus one time lease at current cost of container

Sewer Rates

Monthly Rate	\$ 5.97 per thousand gallons of water used
Monthly Minimum	\$ 5.97
Residential Users without water	\$ 35.82 per month
Outside User Sewer Surcharge	\$ 22.78 per month
Delinquent Fee for sewer account without water	2% Minimum of \$5
Non-payment Fee for sewer account without water	\$ 40.00
Groundwater Remediation Discharge	\$ 5.97 per thousand gallons

Water Rates

Monthly Rate	\$ 4.81 per thousand gallons of water used
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Monthly Minimum	\$ 4.81
Monthly Rate (Outside City Limits)	\$ 9.62 per thousand gallons of water used
Monthly Minimum (Outside City Limits)	\$ 9.62
Municipal Customers	\$ 4.81 per thousand gallons of water used
Delinquent Fee	2% Minimum of \$5
Non-payment Fee	\$ 40.00
Service Initiation Fee	\$ 10.00

Water and Sewer Tap and Connection Fees

A. Applicability

This policy is effective July 13, 2004 for all new construction requiring a building permit or any water or sewer taps.

Water and Sewer Tap and Connection Fee Schedule

Water Fees

Single Family Dwelling Unit	\$150.00 Meter Fee
Sprinkler	\$150.00 Meter Fee

Section 10. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

Section 11. Copies of this Ordinance shall be furnished to the City Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of City Funds.

Adopted this 2nd day of June 2015.


Mayor Jerry Peterman

Attest:



FY 2014-2015 Budget Amendments

City Manager Maness explained that the Budget Amendment Ordinance for Fiscal Year 2014-2015 reflects the changes anticipated to be required in the budget to meet the City's needs for the year ending June 30, 2015. These amendments generally allocate funds to specific departments that have had unexpected expenses and many are offset by a corresponding revenue.

Council Member Kimrey recognized the anticipated surplus in the General Fund this year and asked Mr. Maness what he contributes that to. Mr. Maness credited a conservative approach with spending and an increase in sales tax revenues as factors leading to this surplus. Mr. Maness also recognized the work Human Resources Director Kim Shoffner had done pertaining to a class action lawsuit in which the City was the beneficiary of an unanticipated approximately one hundred twenty thousand dollar (\$120,000) settlement.

Council Member Albright made a motion to adopt the Budget Amendment Ordinance for Fiscal Year 2014-2015, seconded by Council Member Kimrey. All voted in favor of the motion.

Issues Not Included on Tonight's Agenda:

Mr. Robert Pugh, 605 Old Farm Drive, expressed his concern for motorcycles being worked on at a residence on Winesap Drive and those motorcycles being "test driven" in his neighborhood. He advised that he has called the Graham Police Department several times, but they have not yet witnessed any wrongdoing. Mr. Pugh asked Council about installing speed bumps and/or speed limit signs. Council said speed bumps are probably not the answer. Mr. Maness said that he would ask staff to investigate any potential zoning violations.

Mayor Pro Tem Linens reminded everyone of the City's Annual Family Fun Day this Thursday.

Mayor Peterman acknowledged the passing of former Fire Department Captain Mr. Ronnie Teague.

At 7:59 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk