

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 2, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 2, 2016, 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, City Planner
Keith Whited, City Attorney
Melody Wiggins, Recreation and Parks Director


Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Council Member Griffin McClure gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – January 5, 2016 Regular Session*
- b. Approval of Minutes – January 14, 2016 Special Session*
- c. Approval of Minutes – February 1, 2016 Special Session*
- d. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
FEBRUARY COUNCIL MEETING						
<u>ACCT#</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
251037	2015	4935	MCVEY, CURT STEVEN	PP	SOLD BOAT PRIOR TO JAN 1	9.66
597522	2015	4063	KELLY, JOSHUA ALLEN	PP	SOLD BOAT PRIOR TO JAN 1	3.53

e. Tax Collector's Mid-Year Report

City of Graham			
P. O. Drawer 357 201 South Main Street Graham, North Carolina 27253 Tel: (336) 570-6700 / Fax: (336) 570-6703			
MID YEAR REPORT			
January 27, 2016			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	935,425,833	0.455	4,256,189.50
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	913,021		4,154.27
<u>ANNEXATIONS:</u>			
	69,817		317.67
<u>ABATEMENTS:</u>			
	(590,176)		(2,685.78)
CURRENT LEVY	935,818,495		4,257,975.66
OUTSTANDING REAL PROPERTY TAXES:			281,020.53
OUTSTANDING PERSONAL PROPERTY TAXES:			50,281.09
TOTAL OUTSTANDING TAXES			331,301.62
CURRENT YEAR TAXES COLLECTED:			3,926,674.04
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			92.22%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 17, 2016 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.			
Submitted by Sandy P. Callahan, Tax Collector 			

f. Tax Collector's Debt Set-Off Report

Mayor Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item “f. Tax Collector’s Debt Set-Off Report.”

Council Member Chip Turner made a motion to approve items “a” thru “e” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Mayor Peterman asked City Manager Frankie Maness to go over the report. Mr. Maness explained that the debt set-off program is the system of debt collections thru the state of North Carolina and a clearinghouse in which we have been using for approximately twelve (12) years. He further explained that utility debts in excess of fifty dollars (\$50) can be submitted and then garnished from wages and lottery winnings. Council Member Kimrey asked at what point we submit a debt to the state and who absorbs the cost for collection. Mr. Maness advised that we submit this annually and that anyone with a utility debt of more than ninety (90) days is included and the cost is paid by the debtor.

With no further discussion, Council Member Kimrey made a motion to approve item “f. Tax Collector’s Debt Set-Off Report”, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

➤ ***Public Hearing: Text Amendment for the City of Graham Development Ordinance, requested by ESA Renewables and Staff to add Solar Farms (AM1508)***

City Planner Nathan Page explained that this is an amendment to our Development Ordinance to permit a Solar Farm as a use by right in the light and heavy industrial zones and conditionally approved everywhere else with approval from Council. In addition, Mr. Page added that this item was continued from last month's regular session meeting. He highlighted the proposed Decommissioning Plan and at the Council's request, provided information as to what neighboring municipalities and counties have set as standards for Solar Farms.

Council Members and Staff discussed noise levels/Ordinances, the Decommissioning Plan, proposed setback requirements, planting yards and standards set by neighboring jurisdictions.

Mayor Peterman opened the Public Hearing.

Mr. Tom Boney, of the Alamance News, expressed concern with Council discussing this Public Hearing agenda item at the Special Session Agenda Meeting held on Monday, February 1, 2016. Mayor Peterman deferred to City Attorney Keith Whited for an answer. Mr. Whited stated that as long as public notice was given for the Agenda Meeting, it is legal for Council to discuss public hearing items. He added that the purpose of this public hearing is for the Council to hear the public, not for the public to hear the Council. Mayor Peterman stated that he will be mindful of Mr. Boney's concern and will limit discussion at future scheduled agenda meetings. Mr. Boney also presented a public records request to Mr. Maness for all correspondence between the City and ESA Renewables for this particular agenda item.

With no further discussion, Mayor Peterman closed the Public Hearing. Council Member Kimrey made the motion that the text amendment be approved with the following condition:

- 100 foot setback from the property line when located next to a Residentially Zoned property or property with a Residential Use;

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that the action is reasonable and in the public interest for the following reasons: It attracts green industry. We are working to attract environmentally responsible companies and foster growth in green industries in Graham. Permitting Solar Farms in this location, with these regulations, will allow green industry to develop while still protecting the interests of neighboring properties. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Upon request from Mr. Harold Owen of the Burlington Animal Shelter Replacement Study Committee, Mayor Peterman announced that the Elm Street Phase I Sidewalk Project would be the next agenda item to be discussed.

Phase I Elm Street Sidewalk Project:

Mr. Mark Reich of the City's engineering firm Alley, Williams, Carmen & King advised that seven (7) bids were received for this project. He added that the low bid of \$131,281.73 was submitted by Sandhills Contractors, Inc. of Sanford, North Carolina. Mr. Reich further added this contractor met the DBE goal of eight percent (8%) as required by the North Carolina Department of Transportation (NCDOT). He advised that the Municipal Agreement Graham has with NCDOT provides funding in the amount of \$100,000 for construction of the project and that the City would be responsible for funding in excess of \$100,000 and for CEI services. Mr. Reich recommended Council award the contract to Sandhills Contractors, Inc.

Council Members and Staff discussed with Mr. Reich factors such as cost, NCDOT construction standards, infrastructure and time frame in which this phase would be completed.

a. Award Contract

Mayor Pro Tem Linens made the motion that we award the contract to the low bidder, Sandhills Contractors, Inc. of Sanford, North Carolina in the amount of \$131,281.73 subject to concurring approval from NCDOT for Phase I Elm Street Sidewalk Improvement Project, seconded by Council Member McClure. All voted in favor of the motion.

b. Approve Budget Amendment

Mr. Maness advised that to complete the Phase 1 Elm Street Sidewalk Project, it is necessary to amend our operating budget to account for the revenue and expenses. The funding for the project is derived from two sources; a NCDOT grant in the amount of \$100,000 and funds from the City's Sidewalk Payment in Lieu of program in the amount of \$65,000. He added that the amendment is anticipated to increase total General Fund expenditures by \$165,000 for FY 2015-2016. Use of funds from the Sidewalk Payment in Lieu of account will leave a balance of \$1,798 remaining.

Council Member Kimrey made the motion that we approve the Amendment to the Fiscal Year 2015-2016 Budget Ordinance for Phase I Elm Street Sidewalk Project, seconded by Council Member Turner. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2015 - 2016 Budget Ordinance shall be and is hereby amended as follows:

Section 1: General Fund Expenditures	APPROVED	AMENDED	DIFFERENCE
NCDOT Grant	0	100,000	100,000
Sidewalk Payment in Lieu Funds	0	65,000	65,000
Section 2: General Fund Revenues			
Elm Street Sidewalk	0	165,000	165,000

This the 2nd day of February, 2016.


 Jerry Peterman -
 Mayor

Update on Burlington Animal Services

Mr. Owen provided an update on the Animal Services Facility Renovation/Expansion Project. He stressed that animal holding space remains critically inadequate at the shelter for both dogs and cats, despite declining intake numbers. Mr. Owen added that the recommendation of a facility needs assessment, completed by an independent specialized firm, and the Shelter Replacement Study Committee is to renovate and expand the existing adoption center to bring all animal services operations under one roof. He highlighted the following:

- Renovation/Expansion will be less costly and have more benefit than a separate new building
- Consolidation of operations into one facility will increase quality and efficiency of operations, reduce maintenance/utility costs
- Ensures adequate and appropriate spaces for animals as well as staff for the next twenty (20) years
- Facilitates customer oriented approach to services and encourages community involvement

Mr. Owen advised that the total projected cost is approximately \$5.25 million. The cost breakdown is as follows:

- \$750,000 in private donations has been committed by the Pet Adoption and Welfare Society (PAWS)
- \$4,500,000 will be funded by public dollars
- It is proposed that Alamance County will assume responsibility for the required bond and municipalities will make annual payments based on population. Alamance County would be responsible for the balance of the debt service beyond per capita municipal contributions

Council Members discussed with Mr. Owen Graham's proposed share of the cost, which is estimated to be approximately \$415,000 or \$30,000 for twenty (20) years, as well as staffing and infrastructure for a new facility. Mayor Pro Tem Linens expressed concern over the residents of participating municipality's being double charged, as they pay both City and County taxes.

Ms. Joyce Ripka, 509 Adil Court Graham, urged Council to support this project. She indicated that it is her belief that the reason the intake numbers have declined is because of the increase in animal rescue groups.

Amendments to the 2015-2016 Rates and Fee Schedule:

Recreation and Parks Director Melody Wiggins explained that the Alamance Burlington School System's 2015-2016 and 2016-2017 school calendars have created a longer summer break. The addition of ten (10) week and six (6) week fees will give families affordable options to ensure complete summer care. In addition, Ms. Wiggins advised that due to public request, she is proposing a new Canoe and Kayak Rental Fee Structure for the Graham-Mebane Lake. Lastly, Ms. Wiggins asked Council to approve the proposed changes to the 2015-2016 Rates and Fee Schedule as presented.

Council Members and Staff discussed life preservers and rental agreements coverage of damages.

a. Approve the Addition of Ten-Week and Six-Week Sessions to the Graham Recreation and Parks Summer Day Camp Program

Mayor Pro Tem Linens made the motion to amend the 2015-2016 Rates and Fee Schedule to include fee options for ten (10) weeks and six (6) weeks for the Graham Recreation and Park’s Summer Day Camp Program, seconded by Council Member McClure. All voted in favor of the motion.

b. Approve New Canoe and Kayak Rental Fees for the Graham-Mebane Lake


Council Member McClure made the motion to amend the 2015-2016 Rates and Fee Schedule to include the new fees for the Canoe/Kayak Rental Program at the Graham-Mebane Lake as presented, seconded by Council Member Kimrey. All voted in favor of the motion.

c. Approve Text Amendments to the Graham Recreation and Parks Fee Schedule

Council Member Kimrey made the motion to amend the 2015-2016 Rates and Fee Schedule as presented, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Section 5-5 Summer Day Camp

Summer Day Camp operates on a schedule of Monday - Friday, 7:00am - 5:30pm. The camp is open to children who have completed grades K-9. All participants must register during the designated period at the Graham Recreation Center or online at www.grahamrecreationandparks.com. A deposit is due upon registration with the balance of fees due on the first day of camp.

 City of Graham 2015-2016
Rates and Fee Schedule Page 20

Weekly camp
Specialty Camps

2 campers per group per week, if space is available
Limited to 45 campers

	Summer Day Camp (grades K-8)	
	Resident	Non-Resident
Ten-week	\$510 – 1 st child	\$660 – 1 st child
	\$485 – 2 nd child	\$635 – 2 nd child
	\$460 – 3 rd child	\$610 – 3 rd child
Nine-week	\$465 – 1 st child	\$600 – 1 st child
	\$440 – 2 nd child	\$575 – 2 nd child
	\$415 – 3 rd child	\$550 – 3 rd child
Six-week	\$310 – 1 st child	\$400 – 1 st child
	\$285 – 2 nd child	\$375 – 2 nd child
	\$260 – 3 rd child	\$350 – 3 rd child
Five-week	\$260 – 1 st child	\$335 – 1 st child
	\$235 – 2 nd child	\$310 – 2 nd child
	\$210 – 3 rd child	\$285 – 3 rd child
Weekly	\$60 per child	\$75 per child
Fun Day Daily	\$14 per child	\$18 per child

Day Camp Refund Policy – Refer to Section 2-2-9c

Graham-Mebane Lake		
	Alamance County Residents & Orange County Residents within the Corporate Limits of Mebane	Non-Alamance County Residents
Boat Launching (all types of boats including jet ski)	\$5.00 + \$2.00 per person	\$8.00 + \$2.00 per person
Boat Launching for Senior Citizens*	\$3.00 + \$1.00 per person	\$3.00 + \$1.00 per person
Bank Fishing	\$2.00	\$3.00
Bank Fishing for Senior Citizens & totally disabled*	\$1.00	\$1.00
Annual Fee (includes boat launching and daily fees for individual named)	\$60.00 per year per individual	\$85.00 per year per individual
Senior Annual Fee (includes boat launching and daily fees for individual named)*	\$50.00 per year per individual	\$60.00 per year per individual
Bass Tournament	\$20.00	\$20.00
Event Rental	\$150.00	\$150.00
Non-motorized boats (flat fee per boat)	\$5.00	\$8.00
Senior Non-motorized boats (flat fee per boat)*	\$3.00	\$3.00
Boat demonstrations by business operators*	\$1.50 + \$1.00 person	\$3.00 + \$1.00 per person
Boat demonstrations by private owners*	\$3.00 + \$1.00 person	\$6.00 + \$1.00 per person
Canoe Rental	\$15/4 hrs	Same
	\$20/8 hrs	Same
Kayak Rental (Solo)	\$12/4 hrs	Same
	\$18/8 hrs	Same
Kayak Rental (Tandem)	\$15/4 hrs	Same
	\$20/8 hrs	Same
<p>This includes all demonstrations and potential sales, as well as maintenance runs, or maintenance on trailers, or swapping of boats and trailers. The fee is for a one hour time limit. Anything over one hour and the business owner will be charged the full amount. No business operators will be permitted on the lake when it is closed to the public. If on the water for less than thirty minutes, a private owner will be issued a rain check to return to the lake at a later date.</p> <p>*Senior fee begins at age 65</p>		
PROOF OF RESIDENCY MUST BE PRESENTED BY USER.		

Mayor Peterman advised that he was moving Issues Not Included on Tonight's Agenda to the next item on the agenda prior to Council going into closed session.

Issues Not Included on Tonight's Agenda

Mr. Chris Foust, 1851 S. Main Street, Graham stated that he feels that the City's new specs for road construction are unfair. Much discussion ensued with Mr. Maness explaining that this is something Staff has been looking at for several years. He added that when compared to other municipalities in the area, Graham's standards are the most relaxed. Mr. Maness advised that we currently have streets that are in need of repair after only eight (8) to ten (10) years.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a):

(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.

(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

At 9:10 p.m. Mayor Pro Tem made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a): (3), (6), seconded by Council Member Kimrey. All voted in favor of the motion.

At 9:40 p.m. Mayor Peterman reconvened the regular session. Mayor Peterman explained that City Attorney Keith Whited advised Council about an issue involving an active fulltime employee of the City and that Council is not at liberty to discuss the matter.

Council Member Kimrey asked Mr. Maness for an update on the personnel policy revision. Mr. Maness advised that there has been no progress made.

Council Member Kimrey asked Mr. Maness for an update on a possible annexation agreement with Burlington. Mr. Maness advised that we have reached out to Burlington and due to Burlington being in a period of transition with their administration, they suggested we wait on this at this time.

At 9:42 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk