

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, MARCH 1, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 1, 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:**

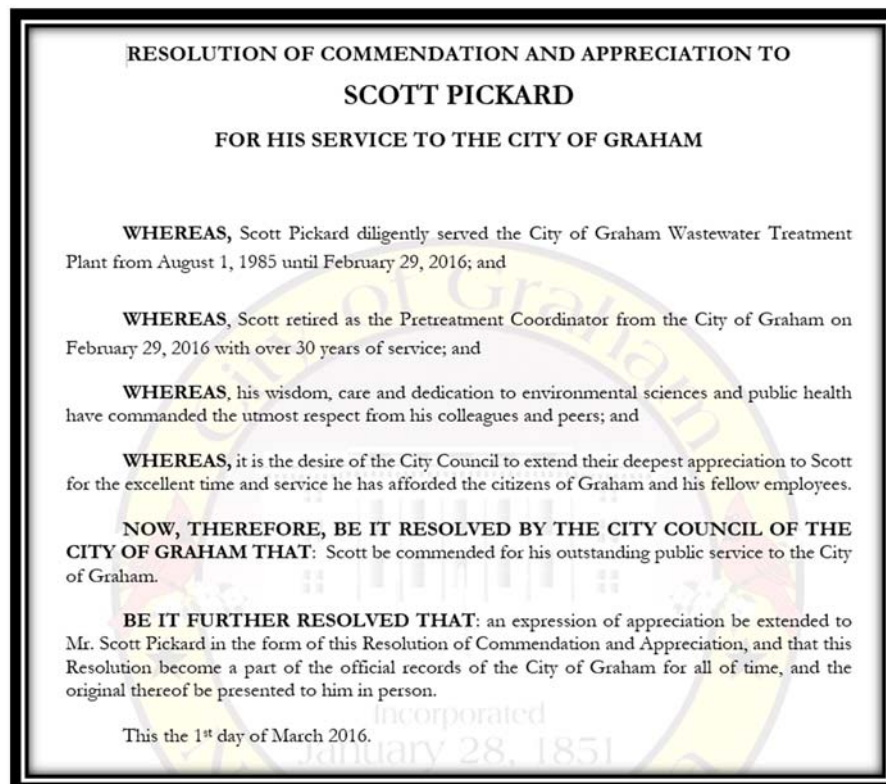
Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Keith Whited, City Attorney  
Melody Wiggins, Recreation and Parks Director  
John Andrews, Fire Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Rev. Darryl Peebles of the Historic Providence Christian Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Honorary Resolutions, Proclamations and Recognitions:**

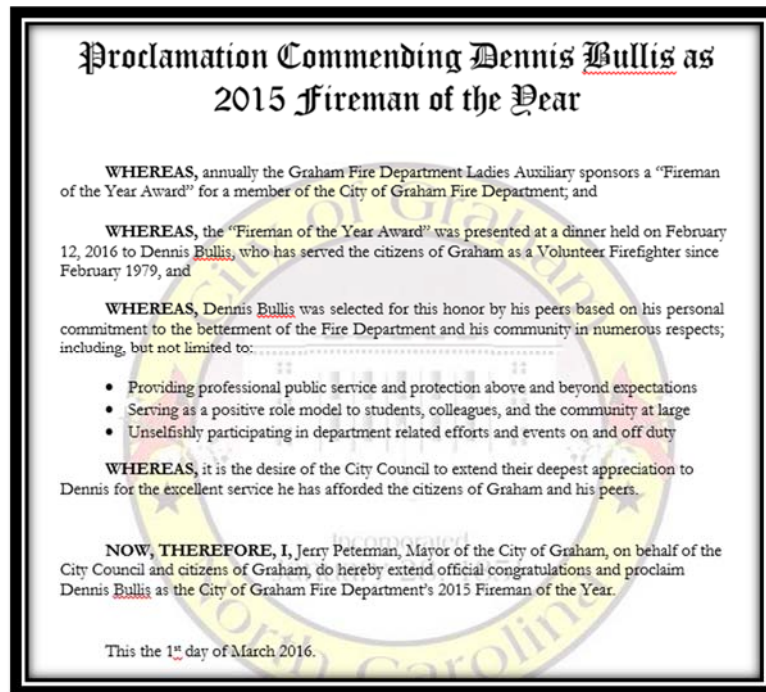
➤ ***Resolution of Commendation and Appreciation***

Mayor Jerry Peterman presented Mr. Scott Pickard with a gift from the City of Graham and thanked him for his thirty (30) plus years of service to the City of Graham. City Manager Frankie Maness also thanked Mr. Pickard for his dedication and service to the City. Mr. Pickard stated that he was fortunate to have worked with such wonderful people over the past thirty (30) years.



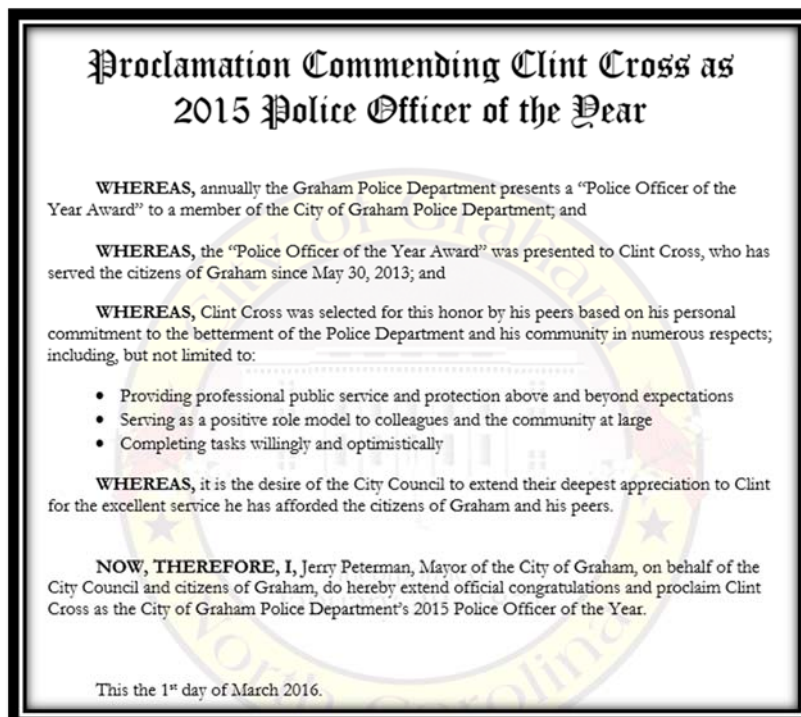
➤ **2015 Fireman of the Year**

Mayor Peterman presented a proclamation to Mr. Dennis Bullis recognizing him as the 2015 Graham Fire Department's Fireman of the Year. Graham Fire Chief John Andrews thanked Mr. Bullis for his service.



➤ **2015 Police Officer of the Year**

Mayor Peterman presented a proclamation to Mr. Clint Cross recognizing him as the 2015 Graham Police Department's Police Officer of the Year. Mr. Cross thanked the Council and his peers for this honour.




## Consent Agenda:

- a. *Approval of Minutes – February 2, 2016 Regular Session*
- b. *Approval of Minutes – February 29, 2016 Special Session*
- c. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
MARCH COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
11892	2015	4105	KEYSTONE GROUP INC	RE	EXEMPT COMMON AREA	336.30
11892	2015	4106	KEYSTONE GROUP INC	RE	EXEMPT COMMON AREA	91.00
536611	2013	4766	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	28.56
536611	2014	4739	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	27.58
536611	2015	4523	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	26.38
644519	2015	1845	COYLE, JAMES COLEMAN	PP	DID NOT OWN BOAT JANUARY 2015	20.47

## *d. Boards and Commissions*

- i. *Appointment to Recreation Commission*
- ii. *Removal from Appearance Commission*

<h2 style="margin: 0;">Memorandum</h2>								
To:	Graham City Council							
cc:	Frankie Maness							
From:	Darcy Sperry							
Date:	3/1/2016							
Re:	Boards and Commissions Requests for Appointments & Removals							
								
<p><u>New Appointment</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%; text-align: left; padding: 5px;"><u>Board</u></th> <th style="width: 30%; text-align: left; padding: 5px;"><u>Name</u></th> <th style="width: 30%; text-align: left; padding: 5px;"><u>Term Expiration Date</u></th> </tr> <tr> <td style="border: 1px solid black; padding: 5px;">Graham Recreation Commission</td> <td style="border: 1px solid black; padding: 5px;">Gordon Miller</td> <td style="border: 1px solid black; padding: 5px;">6/30/2018</td> </tr> </table>			<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>	Graham Recreation Commission	Gordon Miller	6/30/2018
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Graham Recreation Commission	Gordon Miller	6/30/2018						
<p><u>Removal Request</u></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 40%; text-align: left; padding: 5px;"><u>Board</u></th> <th style="width: 30%; text-align: left; padding: 5px;"><u>Name</u></th> <th style="width: 30%; text-align: left; padding: 5px;"><u>Effective Date</u></th> </tr> <tr> <td style="border: 1px solid black; padding: 5px;">Graham Appearance Commission</td> <td style="border: 1px solid black; padding: 5px;">Bonnie Hutchinson</td> <td style="border: 1px solid black; padding: 5px;">3/1/2016</td> </tr> </table>			<u>Board</u>	<u>Name</u>	<u>Effective Date</u>	Graham Appearance Commission	Bonnie Hutchinson	3/1/2016
<u>Board</u>	<u>Name</u>	<u>Effective Date</u>						
Graham Appearance Commission	Bonnie Hutchinson	3/1/2016						

- e. *Approve Accounting Services Contract with Cobb, Ezekiel, Loy & Company, P.A.*
- f. *Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*

Mayor Peterman asked that item “c. Tax Releases” be pulled from the Consent Agenda. He then asked the other Council Members if they would like to pull any item(s). Council Member Lee Kimrey asked to pull item “a. Approval of Minutes – February 2, 2016 Regular Session.”

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

Council Member Kimrey questioned City Clerk Darcy Sperry about the one hundred (100) foot setback requirement with regards to the Text Amendment to permit Solar Farms. Ms. Sperry stated that after Council discussion about whether or not they should require a seventy-five (75) foot or a one hundred (100) foot setback, Council Member Kimrey's final motion included the one hundred (100) foot setback requirement. Council Members confirmed Ms. Sperry's recollection of events.

Mayor Peterman asked Mr. Maness to go over item "c". Mr. Maness explained how property taxes for common area non-profit homeowners associations is computed.

With no further discussion, Council Member Griffin McClure made a motion to approve items "a" and "c" on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

### **Requests and Petitions of Citizens:**

#### ***a. Alamance County Community Services Agency***

Alamance County Community Services Agency Director Ms. Wendy Covington gave a brief overview of their program, highlighting the Agency's commitment to moving people from poverty to economic self-sufficiency through the provision of technical, informational and support services. She advised Council that they will be expanding their Board of Directors and would like for someone from the Graham City Council to be recommended for appointment. Mayor Pro Tem Linens made a motion to recommend Mayor Peterman for appointment, seconded by Council Member McClure. All voted in favor of the motion. Ms. Sperry will send a letter of recommendation to Ms. Covington.

### **Recommendations from Planning Board:**

#### ***a. Public Hearing: Melville Residences (CR1601)***

City Planner Nathan Page advised Council that this application had been withdrawn on February 16, 2016 and asked Council to accept the withdrawal request.

Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing. Council Member Kimrey made a motion to accept the withdrawal, seconded by Council Member Turner. All voted in favor of the motion.

#### ***b. Public Hearing: Gilbreath B-2 (RZ1601)***

Mr. Page advised Council that this application had been withdrawn on February 17, 2016 and asked Council to accept the withdrawal request.

Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing. Council Member Turner made a motion to accept the withdrawal, seconded by Council Member McClure. All voted in favor of the motion.

#### ***c. Forks of the Alamance (S1502)***

Mr. Page explained that this request is to allow one hundred and one (101) new lots on property on Rogers Rd.

Council Member Kimrey inquired about stub streets and access to the property behind the subdivision. Mr. Page advised that the developer has agreed to put another stub street on parcel 44, although they have not yet resubmitted plans for TRC review. With no further discussion, Mayor Peterman opened the public hearing.

Mr. David Michaels, 5603 New Garden Village Drive, Greensboro stepped forward to answer questions on behalf of Windsor Homes. He stated that this development will end up with ninety-nine (99) to one hundred (100) homes with density of approximately 1.7 units per acre. Council Members and Mr. Michaels discussed private access off Rogers Road for lots 100 and 101, grading and/or increase in elevation for lots closest to the 100 Year Floodplain, conveyance of excess property to neighboring property owner(s), DOT requested turn lanes on Rogers Road, greenway trail and the distance between the two (2) proposed entrances.

Ms. Phyllis Ryan, 2566E Rogers Road, Graham inquired about the location of the greenway trail. Recreation and Parks Director Melody Wiggins explained that the trail is built in pieces and property owners would be contacted when easements are necessary to connect the trail.

With no further discussion, Mayor Peterman closed the public hearing. Council Member Kimrey made a motion to recommend approval with the following condition:

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued

Council Member Turner seconded the motion and all voted in favor of the motion.

## **Project Quarter**

### ***a. Approve Amendment #1 Capital Project Ordinance***

Mr. Maness explained that this is a budget amendment that will appropriate an additional \$200,000 for curb and gutter improvements at the entrance of the NCCP. He added that the intent of this request is to allow for change orders to the existing contract.

Council Members and City Engineer Franz Holt of Alley, Williams, Carmen & King, discussed the change order process and its effect on the project schedule. Mr. Holt advised that even with this change order, the project is still on schedule. Further discussion ensued with regards to curb and gutters, storm water management, culvert placement, possible future driveway cuts and underground utilities.

With no further discussion, Mayor Pro Tem Linens made the motion that we approve Amendment #1 to the project budget ordinance for Project Quarter and authorize the City Manager to execute the necessary change orders, seconded by Council Member Turner. All voted in favor of the motion.

**AMENDMENT #1 CAPITAL PROJECT ORDINANCE  
PROJECT QUARTER**

**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 amended:

- Section 1. The Project authorized is Project Quarter.
- 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 change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from General Fund Balance	416,666
City of Mebane	416,667
Alamance County	416,667
Golden Leaf Grant	250,000
Rural Center Grant	500,000
Chamber of Commerce NCCP Funds	<u>200,000</u>
	\$2,200,000

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

Professional Services	240,000
Construction	<u>1,960,000</u>
	\$2,200,000

- 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 upon passage.

This the 1<sup>st</sup> day of March, 2016.

***b. Approve Assignment of Project Quarter Incentive Agreement***

Mr. Maness advised that Lidl, as was anticipated, is requesting that the NCCP partners consent to the assignment of obligations under the incentive agreement from MGP Retail Consulting, LLC to Lidl US Operations, LLC.

Council Member McClure made a motion we approve the assignment of the incentive Agreement for Project Quarter from MGP Retail Consulting, LLC, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

## **Graham Recreation Complex:**

### ***a. Award Bids for Phase I***

### ***b. Approve Amendment #1 project Budget for Phase I***

Mr. Maness explained that as a result of rejecting all bids for Phase I in January 2016, we decided to separate the project into five (5) separate projects. As a result of this decision, the cost for Phase I has decreased by approximately \$600,000. Mr. Maness stated that the five (5) contracts were for grading, water, sewer, paving and building & electrical (referred to as Contracts 1-5 respectively). He added that after analyzing Contract 4 (paving), it has been determined that a cost savings of approximately \$120,000 can be realized through the use of force accounts for paving. He recommended that the bids for the paving contract be rejected. He advised that the bids received exceed the original budgeted amount of \$850,000 and he is proposing that \$150,000 in additional funding to come from the Fund Balance in the General Fund, bringing the total budget for Phase I to \$1,000,000.

Council Members, staff and Mr. Holt discussed Alley, Williams, Carmen & King acting as the project manager to ensure that works stays on schedule. In addition they discussed the total cost of the project, the requirements of the grant and estimated completion date.

Council Member Kimrey made a motion we approve Amendment #1 to the project budget ordinance for Phase I of the Jim Minor Road Park, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure made a motion we reject all bids for Contract 4 and award the contracts to the low bidders for Contracts 1, 2, 3 & 5 as follows:

Contract 1: Grading	McPherson Grading Company	\$303,900.00
Contract 2: Water	Central Builders, Inc.	\$ 44, 725.00
Contract 3: Sewer	HF Services	\$ 21,500.00
Contract 5: Building & Electrical	Isley Construction	\$263,000.00

Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Mayor Peterman advised that he was moving Issues Not Included on Tonight's Agenda to the next item on the agenda.

## **Issues Not Included on Tonight's Agenda**

Mr. Dayson Pasion, Ms. Joy Rust and Ms. Linda Kroger, teachers at the Graham Middle School, spoke of the programs offered to their students. They spoke of the recently opened innovation lab, teachers selected for the County's Teacher Leadership Academy, reading incentives for students and being recognized as an A plus Arts Magnet School. They encouraged Council Members and the community at large to visit the Graham Schools.

Ms. Joyce Ripka, 509 Adil Court, Graham urged Council to support the Animal Services Facility Renovation/Expansion Project. Council Members explained that they are looking at all costs and how it affects the Graham taxpayers.

Mr. Jim Albright, 1906 Elmwood Drive, Graham stated that he had recently read Mr. Maness' pro-active approach to funding the shelter and thanked him and Council for their efforts.

**Public Hearing: Text Amendments for the City of Graham Development Ordinances:**

***i. Future Development (AM1503)***

Mr. Page explained that this is a request to add “Future Development” to Article II. Definitions. He defined “Future Development” as:

Any Human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations and storage of materials.

Mr. Page added that this is of particular note to items that reference future development such as our Stormwater Ordinance. Council Members expressed concern over the reference to storage of materials and wondered if this overlaps our existing Nuisance Ordinance.

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

Council Member Kimrey asked Mayor Peterman to table this item until next month’s meeting. Mayor Peterman made a motion to table this item, seconded by Council Member Kimrey. All voted in favor of the motion.

***ii. Definition of Singular/Plural (AM1601)***

Mr. Page explained that the current definition includes the following:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular

He added that this is a request to add “unless to context of the particular usage clearly indicates otherwise” to the end of that statement. He further stated that this change is proposed because currently, the definitions are the most specific language and this innocuous bit of wording permits two houses per lot or one house to be built on two lots. As a result of this, the added clarification will align with what the intention of the Ordinance actually is.

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

Mayor Pro Tem Linens made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that the action is reasonable and in the public interest, seconded by Council Member McClure. All voted in favor of the motion.



**iii. *Narrow Residential Road (AM1602)***

Mr. Page explained that our existing language for permits a twenty (20) foot wide Residential Narrow with curb and gutter. He added that according to the Fire Code, you must have twenty (20) feet of roadway. This proposed text amendment would change the Residential Narrow to not be permitted with curb and gutter and only permitted with TRC approval if the following conditions are met:

- Driveways must be 50' apart; shared driveways are permitted
- Trash trucks must be able to make all intersection turns in Autoturn.
- Trash cans must be placed on one side of the roadway
- Less than 100 total households load onto the roadway
- Parking is prohibited on both sides of the roadway
- There is sufficient on-site simultaneously accessible parking for three vehicles per dwelling unit
- There is more than one connection to the street for redundant emergency access routes (e.g. not a dead-end street)
- There are alternative, parallel routes available.

Council Members expressed concern over parking, the intent of the changes proposed, the feasibility of what's being proposed, how this affects future developers and whether or not we should repeal the Residential Narrow Ordinance altogether.

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

Council Member Turner made a motion to postpone this item to next month's meeting, seconded by Council Member Kimrey. All voted in favor of the motion.

**iv. *Variance TRC (AM1604)***

Mr. Page explained that currently we require all commercial development within the City of Graham to get TRC approval. This request proposes that if someone should go before the Board of Adjustment for a variance, they must get TRC approval first.

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

Council Member Kimrey made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Turner. All voted in favor of the motion.

**v. *Non-Conforming Structures (AM1605)***

Mr. Page explained that this proposes to clarify the non-conforming buildings in the case of duplex, townhomes or condominiums.

Council Member Kimrey inquired about the addition of "as defined by the North Carolina Building Code" to the Ordinance. Mr. Page said that a structure with a three (3) hour firewall makes it separate buildings.

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

Mayor Peterman made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest because the proposed change doesn't change the application of the Ordinance. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

**vi. *Accessory Buildings (AM1606)***

Mr. Page explained that staff proposes to amend the *Development Ordinance* to permit accessory buildings to be placed in front of a structure, if they meet the setback requirement of the zoning lot.

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

Mayor Pro Tem Linens made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest because the proposed change does not change the application of the Ordinance. Council Member McClure seconded the motion and all voted in favor of the motion.

**Peak Resources:**

**a. *Approve Peak Resources Grant Project Budget Amendment***

Mr. Maness explained that in July of 2015 the City Council authorized an application to the NCDOC Rural Economic Development Division Building Reuse Grant Program for Rural Health Care in the amount of \$400,000 to assist Peak Resources in the construction of a new facility at 600 N. Main Street. The grant was subsequently awarded to the City and expenditures are anticipated before the end of the current fiscal year. Therefore, our budget must be amended to account for the funds. He added that the amendment is anticipated to increase total General Fund expenditures by \$433,500 for FY 2015-2016. Peak Resources will cover administrative costs as well as the required 5% match.

With no discussion forthcoming, Council Member McClure made a motion we approve the Amendment to the Fiscal Year 2015-2016 Budget Ordinance for the Peak Resources Grant 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:

<b>Section 1: General Fund Expenditures</b>			
	APPROVED	AMENDED	DIFFERENCE
Peak Resources Grant Project	0	433,500	433,500
<b>Section 2: General Fund Revenues</b>			
Rural ED Division Building Reuse Grant	0	400,000	400,000
City of Graham/Peak Resources	0	33,500	33,500

This the 1<sup>st</sup> day of March, 2016.

### **Issues Not Included on Tonight's Agenda (continued)**

Council Members discussed whether or not they need to come to a consensus on what the Council supports with regards to certain issues within the schools. Council Members decided that they would canvas the City between now and next month's meeting and then draft a Memorandum of Support.

Mayor Peterman advised that he will petition the Graham Police Chief to recommend that Mr. Wyatt Outlaw's name added to the Fallen Heroes Memorial.

At 9:50 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk