

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, SEPTEMBER 6, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 6, 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, Planning Director
Keith Whited, City Attorney
John Andrews, Fire Chief
Beau Russell, Fire Inspector
Frank Glover, Planning Intern

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Pro Tem Jimmy Linens gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – August 2, 2016 Regular Session*
- b. Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER	COUNCIL MEETING			
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
588681	2016	BIG ROCK SPORTS LLC	ADJUST LATE FEE	381.71
648878	2016	BELTON LLC	CHANGED ASSET VALUES	374.89
5353	2016	ERMA BUSH	QUALIFIED FOR HOMESTEAD EXEMPTION	184.83
581245	2016	WILLIAM A PERRY JR	ABATE HOMESTEAD EXEMPTION ACCT	566.21
620804	2016	DARLENE MORGAN	QUALIFIED FOR HOMESTEAD EXEMPTION	246.25
628850	2016	BERTHA BAKER L/E	ABATE HOMESTEAD EXEMPTION ACCT	220.68
645731	2016	ANNE GARNER	QUALIFIED FOR HOMESTEAD EXEMPTION	138.05
653822	2016	FLORINE W MOIZE	QUALIFIED FOR HOMESTEAD EXEMPTION	158.93
655763	2016	GEORGE L PRITCHARD JR	VALUE ADJUSTMENTS BY ALA CO	210.07
657004	2016	THOMAS W KIMBRO	CLERICAL ERROR	153.76
114344	2016	PURE FLOW INC	TRUCKS NOT IN CITY OF GRAHAM	719.46
401802	2016	TYSON S TEAGUE	SOLD PRIOR TO JANUARY 2016	36.69
458575	2014	PAUL H CORBETT	SOLD BOAT 2013	48.69
458575	2015	PAUL H CORBETT	SOLD BOAT 2013	94.87
458575	2016	PAUL H CORBETT	SOLD BOAT 2013	98.70
458995	2016	CIT TECH FINANCING	VALUE ADJUSTMENTS BY ALA CO	132.05
486619	2016	GLENN HUTCHERSON	NO LONGER OWNS BOAT	29.20
611784	2016	GRAHAM MARINE SALES	SOLD BOAT IN 2014	20.12
614337	2016	JOEL ALAN DEAN	DID NOT OWN JAN 2016	5.01
657283	2016	US CAR TOOL	BUSINESS NOT STARTED IN JAN 2016	10.04
659223	2016	M H ROBERTS PA	NOT IN THE CITY OF GRAHAM	172.41
648047	2016	SALEM LEASING CORP	22 TRUCKS WITH IRP TAGS VALUED INCORRECTLY	1,286.67
TOTAL RELEASES				5,289.29

CITY OF GRAHAM REFUNDS				
SEPTEMBER COUNCIL MEETING				
ACCT#	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED
493528	2011	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2012	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2013	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2014	BRENDA A MURPHY	CLERICAL ERROR	14.22
493528	2015	BRENDA A MURPHY	CLERICAL ERROR	14.22
77957	2014	UNIFI MANUFACTURING	INITIAL VALUE RELEASED IN JUNE 2016	5009.25
77957	2015	UNIFI MANUFACTURING	WAS MISCALCULATED	2907.22
TOTAL REFUNDS				7,986.16

- c. Appoint Pamela Notchey to Canine Review Board*
- d. Appoint Colleen Macklin to Appearance Commission*
- e. Request from Graham First United Methodist Church to close East Markey Street on October 30, 2016 from 3:00 p.m. – 8:00 p.m. for a Community Trunk or Treat event*
- f. Pine Duplex (SUP1601)*
 - i. Approve Corrected Decision & Statement of Consistency*

Council Member Griffin McClure made a motion to approve the Consent Agenda, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Old Business:

a. Review Performance of the City Attorney

City Manager Frankie Maness reminded Council that for the past couple of months, we have discussed converting City Attorney Keith Whited from a contract role to an in house role. He added that he and Mr. Whited worked together on the employment agreement before them. Mr. Maness explained that the agreement would make Mr. Whited a permanent part-time employee with exempt status.

Council Members questioned Mr. Maness about the six month severance package, travel expenses, continuing education and professional expenses included in the contract. Mr. Maness advised that we currently reimburse employees for such items, with the exception of the severance package. He stated that this was included because Mr. Whited works directly for the Council and this contract was similar to the one Mr. Maness has too. He informed Council that Mr. Whited would not be protected by the grievance process afforded to all other City employees, so this clause adds a little protection to him should Council choose to relieve him of his duties.

After Council Members expressed concern over the severance package clause as well as the lack of a clear exit clause, Council Member McClure made a motion to support the employment agreement as written, seconded by Council Member Turner.

Ayes: Council Member McClure, Council Member Turner. Nays: Mayor Peterman, Mayor Pro Tem Linens and Council Member Lee Kimrey. Motion failed 3-2.

Council Member Kimrey made a motion to support the employment agreement with removing the severance package clause, seconded by Mayor Pro Tem Linens. Ayes: Council Member Kimrey, Mayor Peterman and Mayor Pro Tem Linens. Nays: Council Member McClure and Council Member Turner. Motion passed 3-2.

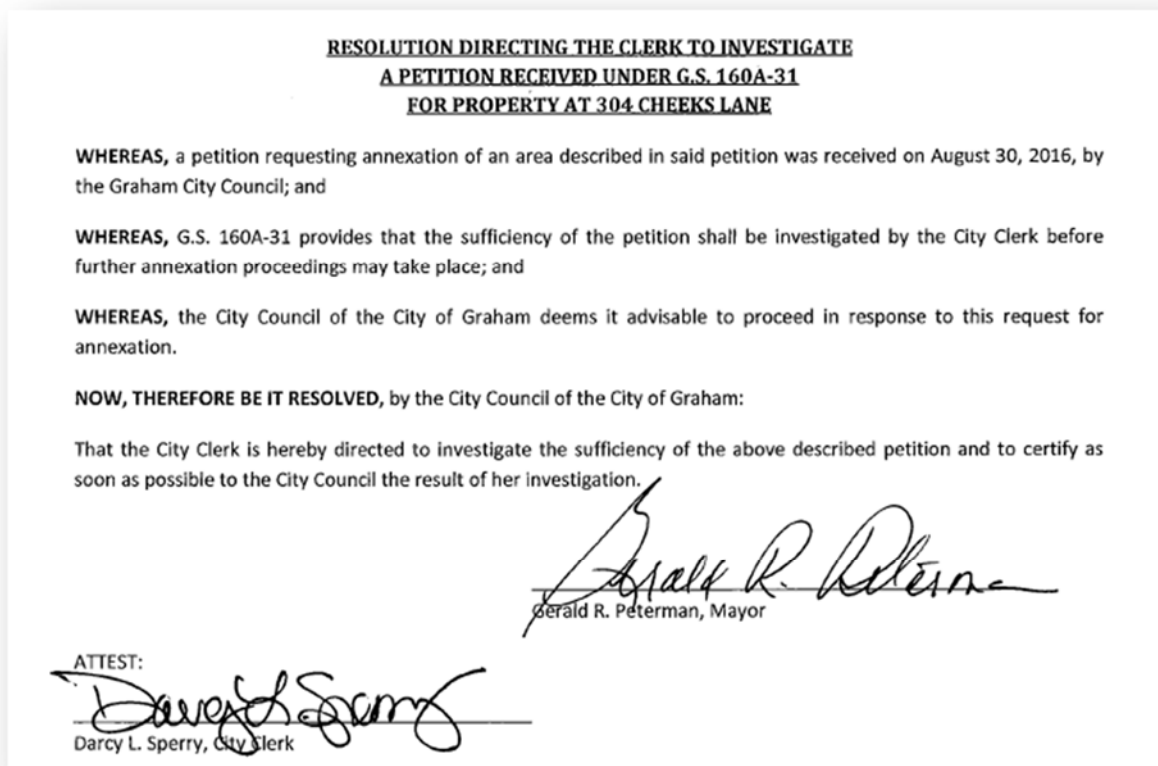
Requests and Petitions of Citizens:

a. Petition for Non-Contiguous Annexation at 304 Cheeks Lane (AN1602):

Planning Director Nathan Page explained that this is an application to annex a non-contiguous lot at 304 Cheeks Lane into the City of Graham. Mr. Page added that this is the first step in the annexation process which would require approval of the following:

- i. Approve Resolution requesting City Clerk to Investigate the Sufficiency.
- ii. Approve Resolution fixing date of Public Hearing on Question of Annexation.

Council Member Griffin McClure made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for 304 Cheeks Lane, seconded by Council Member Turner. All voted in favor of the motion.



Mayor Peterman made the motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 304 Cheeks Lane – the date being October 4, 2016, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR PROPERTY AT 304 CHEEKS LANE**

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

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

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

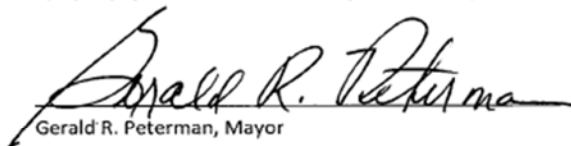
Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00pm on October 4, 2016.

Section 2. The area proposed for annexation is described as follows:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING AT A 1" INCH PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF CHEEKS LANE FROM WHICH A MONUMENT HURSEY IS S 88°06'04" W 469.94' FEET THENCE LEAVING SAID R/W OF CHEEKS LANE N 03°19'38" E 269.63' FEET TO A 1" INCH PIPE FOUND THENCE S 85°06'44" E 100.04' FEET TO A 1" PIPE FOUND CONER WITH LOT 2 THENCE S 03°19'38" W 274.68' FEET TO A 1/2" INCH ROD SET ON THE R/W OF CHEEKS LANE THENCE N 82°13'39" W 100.30' FEET TO THE BEGINNING AND CONTAINING 27216 SF OR 0.625 ACRES, AS SURVEYED 8/25/16 BY BRUCE LANDES SURVEYOR, TO WHICH PLAT REFERENCE IS (PLAT BOOK 68 PAGE 117) HERE BY MADE.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.


Gerald R. Peterman, Mayor

ATTEST:


Darcy L. Sperry, City Clerk

Recommendations from Planning Board:

- a. ***Public Hearing: Lacy Ridge (S1601). A request by Chris Foust to create a major subdivision for 12 lots at the intersection of Knightdale Drive and Lacy Holt Road***

Mr. Page explained that this is an application for 12 lots from 17.5 acres to create this subdivision. The majority of the lots will face Lacy Holt Road with a few lots to front Knightdale Drive.

Council Member Kimrey asked Mr. Page about the location of water and sewer lines and TRC comments. Mr. Page advised that water and sewer availability is along Lacy Holt Road. He added that TRC requested additional detail from what was on the plat. With no further questions, Mayor Peterman opened the Public Hearing.

Mr. Chris Foust, 1851 South Main Street Graham, stepped forward to speak. Mr. Foust advised that the water and sewer lines will be in front of the homes on Lacy Holt Road and he expects the homes to be between 2,000 to 3,500 square feet in size. Council Members asked Mr. Foust about storm water management and whether or not he will develop all 12 lots himself or if he's planning on selling some of them. He said they are up for sale.

Mr. Tom Balchin, 2361 Knightdale Drive Graham, stepped forward and thanked Mr. Foust and Council for working with the current residents in that area during this process. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved, that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: It does comply with The Graham 2035 Comprehensive Plan and it does fit within the neighborhood it's being proposed for. Council Member Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:
i. Harden Street Overlay (AM1618). A request by Patricia Mayzes to amend the Development Ordinance for the East Harden Street/Highway 54 Overlay District

Mr. Page explained that this request came about because of the "Master Tire" business location. He added that currently, Auto Repair with outside storage visible from anywhere in the East Harden Street/Highway 54 Overlay District is prohibited. He advised that Ms. Mayzes proposes that the ordinance be amended to read: Auto Body Repair with outside storage of vehicles that are unappealing and unattractive visible from East Harden Street is prohibited. Mr. Page advised that staff felt that language would be difficult to enforce. The language was then changed to read: Vehicle assembling, painting, upholstering, rebuilding, reconditioning, body and fender work as well as the addition of Used Tire Sales is prohibited.

Following a brief discussion between Council Members and Staff regarding the general concern between body repair vs. inside repair and body repair with no outside storage, Mayor Peterman opened the Public Hearing.

Mr. Dewey Brown, 1015 East Harden Street Graham, stepped forward and identified himself as the owner of the property at which "Master Tire" is located. Mr. Brown stated that he bought this property at the corner of East Harden Street and East Elm Street for a rental property. He added that the property is kept clean and he understands about no outside repairs, but believes that inside repairs should be allowed. He is concerned that if this amendment is passed, he is not sure how this building will be able to be utilized. He asked Council to consider permitting mechanic work and tire sales inside the building.

Mayor Peterman asked Mr. Page how this ordinance amendment might be rewritten to allow some uses inside the building. Mr. Page said currently Used Tire Sales would be permitted at the property Mr. Brown spoke of. He suggested that it might read: No outside storage of used tires is permitted. He stated that he feels that it would still fit the intention of the ordinance.

Council Members discussed how the proposed amendment prohibits a lot of uses. They agreed that while we want to prohibit junk vehicles from being stored on property, we shouldn't want to prohibit someone from running a small body shop or restoring classic vehicles in our overlay areas. They also expressed concern over outside storage. Mr. Maness thought it would be helpful if he laid the groundwork for how we got to this point. He indicated that an individual wanted to use this property for auto repair with outside storage.

Our current ordinance does not permit that, so the only option available to them was to seek a change in the ordinance which would relax it enough to allow them to use the property in the manner in which the way they wanted. Mr. Maness went on to say that Mr. Page has to think about the general application of the ordinance throughout the entire East Harden Street/Highway 54 and Highway 87 Overlay Districts, not just this piece of property owned by Mr. Brown. The language Mr. Page proposes is to try to relax the ordinance, in keeping with the applicant's request, but also to preserve the integrity of the district. Mr. Maness reminded Council that this proposed amendment is from a citizen who initiated the ordinance amendment to relax our current ordinance.

Mr. Jeff Lineberger, 213 North Melville Street, stepped forward and stated that he thinks more time is needed to rewrite this proposal and questioned the ability to enforce the ordinance if Council decides to vote on this tonight.

Mr. Eric Crissman, Albright Avenue Graham, stepped forward and expressed concern over enforcement as well. Staff advised that enforcement would be by the City's Zoning Enforcement Officer.

Mr. Darrell Peebles, Climax Street Graham, stepped forward with concerns about junk vehicles on private property.

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

Council Members were not prepared to vote on this proposed amendment and directed Mr. Page to rewrite this proposed amendment in a way which will allow for storage not visible from the street and bring it back to Council next month.

ii. Utility Buildings (AM1619). A request by Randy Freeman to amend the Development Ordinance for Utility Buildings

Mr. Page explained that this request would allow storage sheds, trailers and utility buildings to be sold in the B-2 District as a use by right.

Following a brief discussion between Council Members and Staff on the affect(s) of this proposed amendment in the B-2 and Overlay Districts, Mayor Peterman opened the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

While referencing The Graham 2035 Comprehensive Plan's section pertaining to the East Harden Street/Highway 54 and the Highway 87 Overlay Districts being the primary approaches to our downtown and businesses, Council Member Kimrey expressed concern over the use by right in these districts, while Mayor Pro Tem Linens wondered if we are being too restrictive to businesses in the Overlay District.

Upon a request by Mayor Pro Tem Linens, Mayor Peterman re-opened the Public Hearing.

Ms. Jan Searls, 526 East Pine Street Graham, came forward and voiced her concerns over the appearance of the Highway 54 Overlay District, specifically at the I85/40 exit and entrance on Highway 54, saying it is not very appealing to the public.

With no additional comments, Mayor Peterman re-closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved with the following condition:

- Would be a permitted use in the B-2 Zoning District, excluding the Highway 87 and Highway 54 Overlay Districts;

And the text amendment is consistent with The Graham 2035 Comprehensive Plan. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Mr. Page and Mr. Whited advised Council that the public notice did not reference the Overlay Districts, so therefore public notice will have to be given and this be voted on again at the October 4, 2016 meeting.

iii. Home Occupations (AM1617)

Mr. Page stated that this is a request by Staff to amend the definition of Home Occupation in our Development Ordinance. He highlighted the changes proposed with this amendment:

- Home Occupations cannot change the essential residential character of the dwelling
- Employees may not come to the residence for exterior work purposes, including pick-up of materials, vehicles, assignments or similar purposes
- Up to one hundred square feet of an accessory building may be used in connection with the business
- There shall be no outside storage or visible evidence of equipment or materials used in the home occupation, unless the equipment or materials are of a type and quantity that could be reasonably associated with the principal residential use. One commercial road-legal vehicle, with no more than three axels is permitted. A single trailer used for cargo/storage may be used if it is attached to vehicles at all times, but no construction or industrial equipment can be store on the trailer

Council Members expressed concern over the storage of utility trailers as well as the one hundred square feet use of an accessory building, stating they feel that this proposed amendment may be too restrictive. Mayor Peterman opened the Public Hearing and with no comments forthcoming, closed the Public Hearing.

Council Member Turner made a motion that the text amendment be approved with the following conditions:

- Construction and industrial equipment may be stored for a period of no greater than seven (7) days
- Utility trailers may be connected or disconnected on the property of the home occupation;

Upon concurrence, the motion was amended to include:

- 100 square feet or up to 1/3 of an accessory building may be used to accommodate a home occupation;

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

iv. Nonconforming Site Elements (AM1612)

Mr. Page explained this amendment to the Nonconforming Site Elements in Development Ordinance changes three things:

- Will permit the re-skinning of existing panels on signs
- Would increase the period of time for which a business is discontinued from 90 to 180 days or more
- Would change the language “existing use” to “Land Use Classification”

Council Members and Staff discussed the history behind this proposed change. Mr. Page advised that a sign at 141 East Harden Street had been re-skinned without having applied for a sign permit. The owner of the building presented his case to City Council after receiving a notice of violation and Council asked Staff to look at the current ordinance to see if it should be amended to be more business friendly. Council Members expressed concerns with businesses who cannot comply with monuments signs due to right of ways as well as this change possibly penalizing businesses with old signs. With no further discussion, Mayor Peterman opened the Public Hearing.

Mr. Brian Longest, stepped forward and stated that he represents a property owner in an overlay district who currently has a sign issue. He asked Council to consider a relaxation of the ordinance by which the business is not tied into a particular use specifically alluding to the time frame element of the ordinance. Mr. Maness advised that at some point we have to draw the line on abandoned signs. Mr. Maness stated that a property owner under this proposed amendment would be able to re-skin their existing sign with a for lease sign which will keep the sign from triggering the abandoned language of the ordinance.

Mr. Randy Freeman, 2180 Davis Road Haw River, asked for clarification of the current ordinance.

The following individuals encouraged Council to not support this proposed amendment and keep the ordinance as it reads now:

- Ms. Jan Searls, 526 East Pine Street Graham
- Ms. Elaine Murrin, 1213 Raspberry Run Graham
- Ms. Helen Sharpe, 522 North Main Street Graham
- Mr. Jason Cox, 200 North Main Street Graham
- Mr. Jeff Lineberger, 213 North Melville Street Graham
- Ms. Jeanette Beaudry, 308 East Harden Street Graham
- Mr. Eric Crissman, Albright Avenue Graham

Ms. Grace Baldwin, 900 East Hanover Road Graham, expressed concern that the Graham Historical Museum currently does not have a sign.

Council Member McClure made a motion that the text amendment be denied and that the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan, seconded by Mayor Peterman. Ayes: Mayor Peterman and Council Member McClure. Nays: Mayor Pro Tem Linens, Council Member Turner and Council Member Kimrey. Motion failed 3-2.

Mayor Pro Tem Linens made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Kimrey. Ayes: Mayor Pro Tem Linens, Council Member Turner and Council Member Kimrey. Nays: Mayor Peterman and Council Member McClure. Motion passed 3-2.

Code of Ordinances Amendment:

a. Amend Code of Ordinances to Add Requirement for Third Party Inspection Reporting to Fire Prevention Code

Assistant City Manager Aaron Holland explained that this is a requested ordinance amendment being proposed by the City's Fire Department. This amendment is an effort to expedite fire inspections in a more organized and efficient manner. This third party company does the leg work for compliance so that when our Fire Inspector, Beau Russell, does make his routine visit, he has already had access to compliance information. The end result is a comprehensive and accurate aggregation of data around which buildings have what types of systems, when they were last tested, and if there are any open deficiencies that could jeopardize their successful deployment in the event of an incident. This would be a free service to the City, with the \$12 fee being paid by the individual contractor who checks systems for compliance.

Council Members and Staff discussed the advantages of having a third party company involved in this process, specifically the anticipated cut down on fire calls for non-compliant alarms and how having information on compliance would ultimately make the City safer. Council Member Kimrey expressed concern with this being a requirement and not being optional, the length of contract signed with the third party company and the City endorsing a company in the private sector to enforce this. He added that he would feel more comfortable in making a decision if he could see the terms of the contract.

Mayor Peterman made a motion to approve the Ordinance amendment to Chapter 2, Article V, Division 2 of the Code of Ordinances to add requirement for third party inspection reporting, seconded by Council Member Turner. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member McClure and Council Member Turner. Nays: Council Member Kimrey. Motion Passed 4-1.

State Grant Resolutions:

Mr. Maness advised that several opportunities for State funding for water and sewer projects are available to Cities. He added that one of the prerequisites in an attempt to gather these funds is the adoption of resolutions by our Council. Staff would like to pursue funding opportunities made available through the State for grant and low/no interest loans for three (3) projects:

- **Water Distribution System Asset Inventory and Assessment**
- **Wastewater Collection System Asset Inventory and Assessment**
- **Boyd Creek Pump Station**

Mr. Maness stated that if awarded and accepted, the two planning grants would require a 10% match which would be a maximum contribution of \$30,000 for both. If qualified, the Boyd Creek Pump Station Grant/Loan Project could afford the City up to a 25% grant and/or 0% loan.

Following a brief discussion regarding the benefits of these studies, Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment, seconded by Council Member Kimrey. All voted in favor of the motion.

Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant and Loan Assistance from The State of North Carolina for Construction of Boyd Creek Pump Station, seconded by Council Member Kimrey. All voted in favor of the motion.

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WATER DISTRIBUTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of drinking water distribution systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's drinking water distribution system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing water distribution system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF
GRAHAM:**

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing water distribution system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WASTEWATER COLLECTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of wastewater collection systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's wastewater collection system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing wastewater collection system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF
GRAHAM:**

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing wastewater collection system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT AND LOAN ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR CONSTRUCTION OF BOYD CREEK PUMP STATION**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing wastewater collection systems; and

WHEREAS, The City of Graham has need for and intends to The City of Graham has need for and intends to construct a sewer collection system project described as the replacement of Boyd Creek Pump Station; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Clean Water State Revolving Fund (CWSRF),

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:

That City of Graham will arrange financing for all remaining costs of the project, if approved for a State grant or loan award.

That the City of Graham will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the City of Graham agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the City of Graham will provide for efficient operation and maintenance of the project on completion of construction thereof.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant and/or loan to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

Southern Loop:

Mr. Holland presented the Staff report on the background/summary of the Southern Loop included in the agenda packet. The Southern Loop, an element of the Burlington-Graham Urban Area Thoroughfare Plan, begins at the intersection of NC 49 and Monroe-Holt Road and ties into Cherry Lane near Jimmy Kerr Road. In 2003, the Burlington-Graham Metropolitan Planning Organization (BGMPO) voted to have a corridor study and functional design developed for this project. According to the goals of the study, the BGMPO recognized that protection of this segment is critical due to increasing growth, particularly residential development, occurring throughout the southern portion of the county in and around the City of Graham. The study highlights that the purpose of this project is two-fold. First, it will provide local traffic a safe and efficient way to get around the urban area and as a result some of the local traffic will be removed from I-40/85. Second, it will provide through traffic access to NC 49, NC 54, NC 62 and NC 87. As a result some of the traffic will be removed from the central business districts of Burlington, Graham, Haw River and Elon. It will also serve as a detour when there is an incident on the interstate.

From four alternatives that were evaluated, Alternative A was selected because it balanced avoidance of impacts to existing residential development and streams while providing a desired alignment. It was also determined that Alternative A provides the best intersection at NC 87. Alternatives A and B were presented to the Graham City Council on April 6, 2004. Following the meeting, the Council scheduled a public meeting to solicit public comments on the alternatives. The public meeting, held on June 8, 2004, included a presentation of Alternatives A and B. An investigation of possible design revisions were requested by Council. The investigation showed that the design revisions avoided some residences but added others for no net improvement in total impacts. This information was presented to Council on November 2, 2004. At their December 7, 2004 meeting, the Graham City Council approved Alternative A. On January 25, 2005, the TCC recommended proceeding with Alternative A as the Recommended Alternative. The TAC approved Alternative A as the Recommended Alternative on February 8, 2005.

TABLE 3 PRELIMINARY IMPACTS COMPARISON

EVALUATION FACTOR	ESTIMATED IMPACTS			
	Alt. A	Alt. B	Alt. C	Alt. D
Length (miles)	5.8	5.9	5.9	5.9
Relocations				
Residences	26	25	27	26
Parcels w/o Structures*	8	14	5	4
Businesses	2	2	4	5
Churches	0	0	0	0
Cemeteries	0	0	0	0
Number of Stream Crossings	8	10	8	9
Number of Regulatory Floodways Impacted	1	1	1	1
Forested Communities (ac)	117	114	109	95
Wetlands (NW1) (ac)	0.4	0.7	0.2	0.2
Historic Architectural Sites	0	0	0	0
Archaeological Sites	1	1	1	1
Hazardous Material Sites	0	0	0	0
Threatened & Endangered Species	---	---	---	---

* Indicates probable residential construction in the near future.

Council Member Kimrey stated that at the most recent TAC meeting he attended, TAC did not award any points to this project. He further explained that points are assigned based on the importance of the project and the availability of funds. Council Member Kimrey added that some individuals have mentioned that this project may never be done.

Council Members expressed concern with continuing to support a project that bypasses the downtown Graham area. Mayor Peterman asked Mr. Maness for guidance on how to go about notifying TAC of this Council's concerns. Mr. Maness suggested Council approve a resolution pulling their support, advertise such decision and present that to TAC at the next scheduled meeting.

Mr. Glenn Patterson, 1310 South Main Street Graham and Mr. Jeremy Pace, 1840 Almond Lane Graham, encouraged Council not to continue to support this project.

Issues Not on Tonight's Agenda:

Mayor Peterman announced that the Friends of Graham Recreation & Parks and Shamrock Nutrition will be hosting a friends and family day on September 7, 2016 – with \$1 from every purchase being donated to the future Graham Recreation Complex.

At 10:46 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Darcy Sperry, City Clerk