

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JANUARY 5, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, January 5, 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
Sandra King, Finance Officer
Melody Wiggins, Recreation and Parks Director
Duane Flood, Lieutenant Graham Police Dept.
Becky Loy, Cobb Ezekiel Loy & Company

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 – December 1, 2015 Regular Session*
- b. Approval of Minutes – January 4, 2016 Special Session*
- c. Approval of Amended Minutes – November 30, 2015 Special Session*
- d. Tax Releases and Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS						
JANUARY 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>
435049	2015	804	BOWMAN, MAC DONALD	PP	SOLD BOAT TO DEALERSHIP TWO YEARS AGO	10.87

CITY OF GRAHAM REFUNDS						
JANUARY COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
439274	2015	4123	JOSEPH PINNEX KIMBRO	RE	QUALIFIED FOR HOMESTEAD EXEMPTION	238.66
447172	2015	8302	PIEDMONT TRUCK TIRES	PP	VEHICLE LISTED IN GUILFORD COUNTY	44.09

e. Boards and Commissions Appointments

- i. Appoint Assistant City Manager Aaron Holland to the North Carolina Commerce Park Organizational Committee***
- ii. Appoint Robert Kent Davis to the Graham Recreation Commission***
- iii. Remove Mayor Jerry Peterman from the Local Firefighter's Relief Fund (formerly referred to as the Fireman Pension Fund)***
- f. Amend City of Graham Code of Ordinances Officials page***

<u>Amendments:</u>	AMEND AS FOLLOWS: Effective 1/05/2016
	Gerald R. Peterman <i>Mayor</i>
	Jimmy G. Linens <i>Mayor Pro Tem</i>
	Baker Lee Kimrey James Griffin McClure III Brice Caldwell Turner II <i>City Council</i>
	Jesse Franklin Maness <i>City Manager</i>
	Keith Whited <i>City Attorney</i>
	Darcy L. Sperry <i>City Clerk</i>

Council Member Lee Kimrey made a motion to approve the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

Recommendations from Planning Board

- a. Public Hearing: Rogers/Windsor Rezoning (RZ1504). This is a request by Thomas Hall of Windsor Homes to rezone approximately 60 acres off Rogers Road from R-18 to R-9 (GPIN 8872970504)***

City Planner Nathan Page explained that this request from Mr. Thomas Hall of Windsor Investments is to rezone the subject property from R-18 to R-9. He further explained that the property is currently wooded, vacant and under cultivation. He advised that the Planning Board recommended denial and that it was inconsistent with The 2035 Comprehensive Plan.

Council Member Griffin McClure asked Mr. Page to expound upon the section of The Comprehensive Plan that he referenced in his staff report. Specifically, he asked Mr. Page if he believes this development accomplishes promoting infill development, focused and walkable mixed use built environments. Mr. Page stated that the development does not qualify as infill, but does qualify as focused and walkable. Council Member Kimrey asked Mr. Page if he received all the required paperwork for this rezoning application. Mr. Page advised that the application was complete. Council Member Kimrey asked Mr. Page if the request to rezone this property from R-18 to R-9 complies more or less with The Comprehensive Plan. Mr. Page stated that it complies more as the R-18 is against our Comprehensive Plan and the R-9 is within the limits of the Plan.

Mayor Peterman asked Mr. Page for the reason as to why the Planning Board recommended denial of this rezoning. Mr. Page stated that the discussion the Board had was inaudible to him and that it seemed to him that this was not what they were looking for in this location.

Mayor Peterman opened the Public Hearing.

Mr. Tom Hall, 5603 Dew Garden Village Drive, Greensboro, spoke on behalf of Windsor Homes. He outlined who Windsor Homes are, who the land sellers are and why they feel that this rezoning request is reasonable and complies with the Comprehensive Plan. Mr. Hall stated that if this rezoning request is approved, Windsor Homes is proposing to build one hundred (100) plus or minus homes and have twenty nine (29) plus or minus acres of open space in addition to two (2) proposed access points onto Rogers Road. Mr. Hall also informed Council that they have held multiple preplanning meetings with City staff and the North Carolina Department of Transportation, as well as, the surrounding neighbors of this property.

Council Member McClure asked Mr. Hall if he has had any success in other neighborhoods he has developed with any less dense zoning designation. Mr. Hall stated that after speaking to staff and looking at the new Comprehensive Plan, this is the best fit for what they are looking to do. He referenced some of the lots in the Mackintosh on the Lake subdivision, which are smaller than what they are proposing to do with this property, target those buyers who are looking for less land to maintain. He said they have seen a trend indicating that people are looking for this size property and this allows them to appeal to the market better.

Council Member Turner asked about the proposed open space for this development. Mr. Hall indicated that the majority of that would be in the flood plain. He also stated that the Alamance County Recreation and Parks Department has approached them about having the Haw River Trail cross through this property. He added that they would be willing to cooperate with them to make this happen.

Council Member Kimrey asked Mr. Hall if he had the permission from the property owner to submit this application on their behalf. Mr. Hall stated yes. Council Member Kimrey then asked Mr. Hall if their decision to request R-9 zoning was made upon suggestion by City staff, through The Comprehensive Plan, as being a good fit for that area. Mr. Hall said that was correct.

Mayor Pro Tem Linens asked Mr. Hall about their intentions with regards to the area of the property that is in the flood plain. Mr. Gene Mustin, 621 Eugene Court, Greensboro stepped forward. Mr. Mustin is an engineer with Borum, Wade and Associates, P.A. Mr. Mustin stated that a large portion of this property is located in the flood plain and is essentially an undevelopable piece of property. He added that a retention pond and underground piping for the sanitary and sewer service may be placed in this particular flood plain area.

The following individuals spoke in opposition of rezoning this property to R-9:

Ms. Laura Gilley – 2427 Rogers Road, Graham
Mr. Joey Frazier – 2566 F Rogers Road, Graham
Mr. John Hall – 2556 Rogers Road, Graham
Mr. Hubert Ryan – 2566 E Rogers Road, Graham
Mr. Bradley Qualls – 2514 Rogers Road, Graham
Mr. Barry Hicks – 1199 Caesar Court, Graham

Ms. Dixie Rogers, 1526 Rogers Road, Graham and current owner of the property involved, stepped forward to explain why she is looking to sell this property that has been in her family for over two hundred (200) years. She stated that one reason is the inability to find someone to farm the land. She went on to say that since farming has ceased on this property, taxes have tripled for this parcel.

With no further comment, Mayor Peterman closed the Public Hearing. Council Member Kimrey made the motion that the application be approved and that the application is consistent with The Graham 2035 Comprehensive Plan and that the action is reasonable and in the public interest for the following reason: this fully complies with The Graham 2035 Comprehensive Plan, seconded by Mayor Pro Tem Linens. Ayes: Council Member Kimrey, Mayor Pro Tem Linens, Mayor Peterman and Council Member Turner. Nays: Council Member McClure. Motion carried 4:1.

Bids for Graham Recreation Complex Phase I

City Manager Frankie Maness advised that the City accepted single prime bids for Phase I, which includes: a park entrance, parking lot, natural playground, open mall area, fit zone and shelter with restrooms on December 15, 2015 at 2:00 p.m. He further stated that the lowest responsible bid exceeded available funds budgeted for this project. Mr. Maness advised that it is staff's recommendation that all bids be rejected and work toward some sort of re-bid(s) process, maybe dividing the project into multi prime bidding structure. This would allow for multiple contractors on the project. Mr. Maness said the City is also investigating the use of force accounts (our own employees) to complete some of the work in an effort to reduce costs.

Council Members expressed concern to Mr. Franz Holt of Alley, Williams, Carmen and King as to how they were so far off on this project's budget. Mr. Holt said they had looked at the cost of recent projects they were in charge of as well as speak to local contractors prior to putting together this project's budget estimate. He added that he believes that there are multiple reasons as to why they were so far off with this estimate, including but not limited to, timing, low availability of contractors, possible single prime contract and tight project schedule. In addition, Council Members asked Mr. Holt about the tight timeline for this project. Mr. Holt stated that when you have a multi-phase project such as this with a single prime coordinator, you'd like to keep them on a schedule.

Graham Recreation and Parks Director Melody Wiggins reiterated to Council that we have to be well into this project by July or August to fulfill the agreement with grant funding we have received. She added that merely breaking ground does not satisfy the grant requirements. Ms. Wiggins advised that she has renegotiated a deadline for this phase and we need to have it done by fall 2016.

Mayor Pro Tem Linens made the motion that we reject all bids for Graham Recreation Complex Phase I, seconded by Council Member Turner. All voted in favor of the motion.

Audit Presentation

Mayor Peterman called upon Ms. Patricia Rhodes of Stout Stuart McGowen & King LLP to speak about the City's Audit report for Fiscal Year 2014-2015. Ms. Rhodes pointed out that this is the first year they have performed the audit for Graham and that the arrangement the City currently has with Ms. Becky Loy of Cobb Ezekiel Loy & Company has proven to be beneficial to the City. Ms. Loy is now under contract with the City and is essentially an extension of the Finance Department.

Ms. Loy assisted Finance Director Sandra King with the year-end process and financial statement preparation and presentation. Ms. Rhodes gave an overview of the financial condition of the General, Water/Sewer, and Garage Funds of the City. She commented that on an operational basis, all three funds had revenues in excess of expenditures. Ms. Rhodes explained that the City received an unmodified opinion, the cleanest and best opinion you can receive. Ms. Rhodes pointed out that City staff and management made sure they were diligent in the day to day operations and reported that there were no findings in the Fiscal Year 2014-2015 audit. Ms. Rhodes stated that the two (2) findings from the Fiscal Year 2013-2014 audit (missed monthly billing and capitalization of assets not being recorded properly) have been corrected satisfactorily during the year. She stated there were no difficulties or disagreements with management.

Text Amendments for the City of Graham Development Ordinance:

a. Electronic Billboards (AM1501)

Mr. Page explained that staff proposes to amend the Development Ordinance to clearly define the restrictions placed upon Electronic Billboards.

Council Members discussed with Mr. Page brightness level, dimmer system monitoring and as technology continues to advance, whether or not we need to apply similar language in our overall sign ordinance.

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 and that this action is reasonable and in the public interest for the following reason: Safety for the citizens of Graham, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

- Rewrite Section 10.399 (b) (5) (i) Outdoor advertising signs as follows:

Current text;

- i. [Reserved.]

Proposed text;

- i. Any sign with a changeable or movable face, electronic or otherwise, shall display a static message for a minimum of twenty (20) seconds, and shall have a dimmer system installed so as to automatically adjust the brightness based upon ambient light conditions.

b. Construction Surety (AM1502)

Mr. Page explained that staff proposes to amend the Development Ordinance to conform to the current State Statutes, particularly Session Law 2015-187, revision to G.S. 160A-372.

With no discussion forthcoming, Mayor Peterman made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Consistent with State Law, seconded by Council Member Turner. All voted in favor of the motion.

- Rewrite Section 10.339 (c) (3) (b) Construction of Public Improvements as follows:

- b. As an alternative to completing construction of all required public improvements prior to the approval of a final plat, a developer may request to use a construction surety, as follows:
 1. After the subdivision, or a specified phase thereof, has been certified by the City as having sufficient improvements to provide functional fire protection (with the roadways graded to final grade and water supplies for fire-fighting equipment), the developer may post a security instrument, in the form of a Surety Bond, Letter of Credit, or other form of guarantee that provides equivalent security to a surety bond or letter of credit, in an amount equal to 125% of the estimated construction cost of the required improvements which remain incomplete and including the cost of preparing as-built drawings, and with surety and conditions satisfactory to the City providing for and securing to the City the actual construction and installation of said improvements. The surety shall be accompanied by a detailed, itemized list of all required improvements that stand incomplete and a schedule for the completion of said improvements.
 2. The surety may be renewed or extended for a period of up to three (3) years from the date it was initially accepted, provided that each renewal or extension within the three (3) year period shall be for an amount equal to 125% of an updated estimated cost of construction for the remaining required improvements at the time of the renewal or extension and including the cost of preparing as-built drawings, and shall be accompanied by a detailed, itemized list of all required improvements that stand incomplete and a schedule for completion of said improvements.

- Rewrite Section 10.515 (b) (1) Amount as follows:

- b.) Amount

- (1) Installation. The amount of an installation performance security shall be 125% of the total estimated construction cost of the BMPs approved under the permit.

c. Parking Maximums (AM1505)

Mr. Page explained that staff proposes to amend the Development Ordinance to remove the minimum requirements for parking spaces as the impact of past development patterns has become more apparent. He further added that for the last two years, with two exceptions, each development that has been built in the City provided the minimum number of spaces, indicating that the regulations are requiring spaces above and beyond what the market would dictate as required for each use. These parking spaces are expensive, with the least expensive asphalt parking space costing about \$10,000 (dependent upon land value). Much of this cost is a result of downstream stormwater effects, which in turn increase floodplains, and require additional upsizing of existing infrastructure.

Council and staff discussed the possibility in this proposed language that the market will drive the amount of parking required and how that can further lessen our impervious surface, storm water management and the run off.

Council Member McClure made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Enhances public facilities and services, seconded by Council Member Kimrey. All voted in favor of the motion.

Section 10.240 Off-street parking

In all districts, except the B-1 district, when a building is constructed, or at the time a principal building is enlarged or increased in capacity, or before conversion from one type of use to another, permanent off-street parking space in the amount specified by this section shall be provided. Adequate maneuvering space to allow vehicle entrance into each parking space shall also be provided. The off-street parking spaces required by this section shall be entirely outside any street right-of-way and shall not be used for any purpose except parking. Such parking may be provided in a parking garage or properly graded open area. A parking space shall consist of an area at least nine feet wide and at least 18 feet deep. Where the city council determines that the off-street parking requirements of this section would impose undue hardship upon development it may reduce or waive off-street parking requirements for that lot.

- (1) Certificate of parking requirements. Each application for a zoning permit submitted to the zoning enforcement officer as provided for in this article shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the zoning enforcement officer to determine whether or not the requirements of this section are met.
- (2) Remote parking spaces. Except for dwelling units, if the off-street parking space required by this article cannot reasonably be provided on the same lot on which the principal use is located, such space may be provided on any land as long as it is in a zoning district in which such parking is permitted.
- (3) Parking requirements. The number of off-street parking spaces required in the table below shall be considered as the minimum or maximum, as appropriate and the developer shall evaluate his own needs to determine if they differ from this table. Requirements based on number of employees shall apply to the highest number of employees present during any regular work period or shift.
- (4) Driveways.
 - (a) New driveways within the corporate limits for all uses shall be surfaced with an all-weather material with edges clearly delineated. Gravel shall be prohibited for the first 10-feet of the driveway.
 - (b) Driveways shall not exceed twenty-five (25) feet in width unless wider driveways are shown on a City Council approved site plan or plot plan.
 - (c) Except for driveways, no additional curb cuts or vehicle access points shall be permitted.
 - (d) Where two or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet or one third (1/3) of the lot frontage, whichever is greater. If the driveway fronts a State Road, the minimum distance between such driveways may be increased depending on comments from NCDOT.
 - (e) No driveway shall be located closer than twenty-five (25) feet to any street intersection. If the driveway fronts a State Road, the minimum distance between such driveways and the street intersection may be increased depending on comments from NCDOT.

(f) Parked vehicles shall not block pedestrian walkways.

USE	
RESIDENTIAL AND RELATED	MINIMUM NUMBER OF REQUIRED OFF-STREET RESIDENTIAL PARKING SPACES
Dwelling, one-family detached	2 spaces
Dwellings, two-family	2 spaces per dwelling unit
Dwellings, multifamily	One and one-half for each one-bedroom unit, and each two-bedroom unit, plus 2 for each 3 or more bedroom units – See Section 10.241 for additional parking requirements for multifamily developments
Dwellings, multifamily sponsored by public or nonprofit agency for restricted-income families or elderly persons	One parking space for each dwelling unit
Group Care Facilities and Group Homes	One space for each two residents of driving age and ability, plus one space per employee
Home occupations	One space in addition to residential requirements
Manufactured homes on individual lots	Two spaces per manufactured home
Manufactured home parks	Two parking spaces per manufactured home if parking is provided on each manufactured home plot. In the alternative, Parking may be provided in off-street parking lots providing at least 1 ½ spaces per manufactured home plot [are] served; no required parking space shall be more than 100 feet distant from the dwelling unit it serves or on the opposite side of the street from the dwelling unit it serves.
NONRESIDENTIAL	MAXIMUM NUMBER OF REQUIRED OFF-STREET COMMERCIAL/INDUSTRIAL PARKING SPACES
Amusements, commercial	One space for each 4 persons in designed capacity
Animal hospital, veterinarian	Four spaces for each doctor, plus one for each employee
Auditoriums, gymnasiums. Stadiums, etc.	One space for each 4 seats, plus one space for each 40 square feet of floor space where movable seats are used
Automobile accessories sales	One space for each 200 square feet gross floor area
Automobile assembling, Painting, upholstery, rebuilding, reconditioning, body and fender repairing	One space for each 200 square feet gross floor area
Automobile laundry	15 spaces
Automobile sales	One space for each 600 square feet gross floor area
Banks, savings and loans, financial institutions, and restaurants (including drive-thru)	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area, plus waiting space for at least four cars at each drive-in banking device or restaurant drive-thru
Building material storage, contractor's yards	Two spaces, plus one space per employee
Building supply sales	One space for each 600 square feet gross area

USE	
Churches	One space for each seven seats
Community centers, libraries, art galleries, museums	One space for each 200 square feet gross floor area used by the public
Day nurseries and kindergartens	One space for each employee
Dry cleaning and pressing plants	Two spaces for each three employees
Dry cleaning pickup establishments	One space for each 200 square feet gross floor area used by the public, plus waiting space for at least four cars at any drive-up window
Fairs, circuses, carnivals, sideshows	One space for each 600 square feet gross area
Food, and beverage storage and distribution, food processing	Two spaces for each three employees
Funeral homes	One space for each four seats in chapel (or parlor, if no chapel)
Golf, swimming and tennis clubs	One space for each four persons in designed capacity
Government buildings	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area
Greenhouses, commercial and plant nurseries	Three spaces, plus one space for each employee
Hospitals	One space for each two beds, plus one space for each doctor and each nurse, plus one space for each four other employees
Hotels, motels, tourist home	One space for each rental unit
Electronic, Internet, or Sweepstakes Gaming	One parking space per two terminals
Laboratories, research facilities	Two spaces for each three employees
Laundries	One space for each 200 square feet gross floor area
Lodges, clubs	One space for each four persons in designed capacity
Medical, dental and paramedical offices and clinics	Four spaces for each doctor, plus one space for each other employee
Nursing homes, convalescent homes, homes for the aged	One space for each four beds, plus one space for each doctor and each nurse, plus one space for each four other employees
Offices	One space for each 200 square feet gross floor area used by the public, plus one space for each 600 square feet other gross floor area
Philanthropic, nonprofit institutions	One space for each 200 square feet gross floor area
Photographer's studio	One space each 300 square feet gross floor area
Radio, television studio	One space for each employee
Retail establishments, high volume, such as grocery stores, drug stores, department stores, etc.	One space for each 200 square feet gross floor area
Retail stores, low volume, such as furniture stores, machinery sales, manufactured home sales, carpet stores, etc.	One space for each 600 square feet gross floor area

USE	
Schools, commercial, vocational, music, art, dancing	One space for each employee, plus one space for each four persons in design capacity
Schools, elementary	One space for each employee
Schools, high schools	One space for each employee, plus three spaces for each classroom
Service establishments dealing frequently with the public, such as barber shops, beauty shops, etc.	One space for each 200 square feet gross floor area
Service establishments dealing infrequently with the public, such as repair services, secretarial services, etc.	One space for each 600 square feet gross floor area
Service stations, no repair area	One space per employee, plus off-street waiting space for at least two cars in each line
Service stations, with repair area	One space per employee, plus two spaces for each repair bay (in addition to the bay itself); plus off-street waiting space for at least two cars in each line
Stables, commercial	One space for each two stalls
Theaters, indoor	One space for each four seats
Transportation terminals, freight	Two spaces for each three employees
Transportation terminals, passenger	One space for each 200 square feet gross floor area
Warehouses and Industrial Buildings	One space for each employee
Wholesale establishments	One space for each 900 square feet gross floor area

(Amended 11/7/2000, 5/4/2004, 7/11/2006, 1/8/2013, 1/5/2016)

d. Handicapped Parking (AM1504)

Mr. Page explained that staff proposes to amend the Development Ordinance to add the Handicapped Parking requirements to the Development Ordinance where they will be visible by developers in the Off-Street Parking chapter. He added that staff's recommendation is to adopt the same standards that the North Carolina State Building Code requires. Mr. Page pointed out that staff's proposed amendment differs from that of the Planning Board.

Council Members expressed concern that the Planning Board's proposal exceeds State and Federal guidelines and that the Planning Board is taking the North Carolina Building Code and trying to make it more stringent.

Mayor Peterman made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Aligns itself with State and Federal Codes, seconded by Council Member Kimrey. All voted in favor of the motion.

10.240.b.1

ACCESSIBLE PARKING SPACES

TOTAL PARKING SPACES PROVIDED	REQUIRED MINIMUM NUMBER OF ACCESSIBLE SPACES
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus one for each 100, or fraction thereof, over 1,000

10.240.b.2. **Van Spaces** For every six or fraction of six accessible parking spaces, at least one shall be a van-accessible parking space. See Section 1106 NC Building Code for more detail.

e. Sidewalk Payment-in-Lieu (AM1506)

Mr. Page explained that the Planning Board proposes to amend the Development Ordinance to remove an option for a payment in lieu of constructing required sidewalks. He stated that while both the Planning Board and staff recommend the removal of the hardship clause, they differ on the proposed administration of the Ordinance. The Planning Board recommends City Council approval while staff recommends approval be made by the City Planner, with guidance from the Technical Review Committee (TRC).

Council Members discussed whether or not to take the decision out of staff's hands. Council Members expressed that they are pleased with the removal of the hardship clause. Mr. Maness advised that with approval by City Council, another layer is added that will delay the project. He added that with staff approval, someone can appeal that decision to the Board of Adjustment if they don't agree with staff's decision. Mr. Maness stated that with Land Use decisions, State Law requires representation from the Extra Territorial Jurisdiction (ETJ).

Council Member Kimrey made the motion that the text amendment be approved as presented by staff and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Beneficial for staff as well as the City, seconded by Council Member Turner. All voted in favor of the motion.

- Amend subsection (5) to Section 10.347(c) Procedures for Site Plans as follows:

Where this ordinance requires the installation of a public sidewalk, the applicant may request to make a payment in lieu of constructing the required sidewalk. The payment shall be in an amount equal to the estimated cost of construction of the required sidewalk, which would include the cost of all materials, labor and engineering. The payment shall be used at the discretion of the City to construct or install new pedestrian infrastructure, with priority given to projects identified in an adopted plan. The City Planner, with guidance from the TRC, shall decide upon requests for this payment-in-lieu option.

Payment in lieu is not permitted if it is located adjacent to any existing sidewalk, adjacent to sidewalk appearing on a proposed development plan, adjacent to any sidewalk planned for construction within one year or any sidewalk planned for construction except where less than 150 feet of sidewalk is required.

Text Amendment for the City of Graham Development Ordinance-Solar Farms

Mr. Page explained that staff, in conjunction with ESA Renewables, LLC., proposes to amend the Development Ordinance to add “Solar Farm” to our Table of Permitted Uses and update definitions.

Council Members and staff discussed the proposed decommissioning plan and how they feel that that could be expanded in the future to cover other Development Ordinances. They also discussed security fencing, planting yards, setback requirements and current industry standards. By consensus, Council Members postponed this agenda item until next month so that staff can gather more information on the areas listed above.

Resolution to Grant Easement to Duke Energy Carolinas, LLC to Install and Maintain Facilities on City Property at Graham Recreation Center

Assistant City Manager Aaron Holland explained that Peak Resources is constructing a new rehabilitation and nursing center next to the Graham Recreation Center on College Street. He added that during the design phase of this project, staff and management of Peak Resources have been working collectively to relocate the existing driveway at the Graham Recreation Center to create a shared drive that would be aligned with Lashley Street. Both parties have met with Duke Energy to evaluate several options to relocate the existing power pole and guy wires currently in the area. It was determined that setting a new pole at the southeast corner of the Graham Recreation Center parcel would better the pole locations and serviceability for the installation of new facilities on the neighboring parcel. Staff recommends approval and that by relocating the pole and guy wires, the interests of both the City and Peak Resources would be attained.

Mayor Peterman made the motion we approve the Resolution to Grant Easement to Duke Energy Carolinas, LLC for the purposes of transmitting and distributing electrical energy and for communication purposes, seconded by Council Member Turner. All voted in favor of the motion.

**RESOLUTION TO GRANT EASEMENT TO DUKE ENERGY CAROLINAS, LLC AT
GRAHAM RECREATION CENTER**

WHEREAS, The City of Graham "City" owns approximately 2.02 acres of property located along College Street, Sideview Street, and W. Parker Street, known as the Graham Recreation Center;

WHEREAS, Peak Resources recently engaged in the construction of a new facility adjacent to the Graham Recreation Center which consist of a proposed shared driveway;

WHEREAS, Duke Energy Carolina's LLC requests thirty (30) foot wide easement for the purposes of transmitting and distributing electrical energy and for communication purposes;

WHEREAS, G.S. 160A-273 permits a city to grant easements over, through, under, or across any city property;

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

The City of Graham ("City") hereby grants an easement to Duke Energy Carolina's LLC for the purposes of transmitting and distributing electrical energy and for communication purposes.

BE IT FURTHER RESOLVED that the City Manager and City Clerk are hereby authorized to execute the necessary documents on behalf of the City.

Adopted this 5th day of January 2016.

Issues Not Included on Tonight's Agenda

Lieutenant Duane Flood from the Graham Police Department spoke on the recent success their department had with the Operation Merry Christmas program.

Mr. Page recognized the work done by Garage Supervisor Gary Gerring and his wife with providing warm clothing to the people of Alamance County in memory of their daughter Meaghan.

Mayor Peterman asked for a consensus for him to attend the next school board meeting. Consensus was given.

Mayor Peterman recognized the passing of Mr. Bill Sizemore.

At 10:26 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk