

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, JUNE 5, 2018  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 5, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Lee Kimrey  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Melody Wiggins

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Keith Whited, City Attorney  
Nathan Page, Planning Director

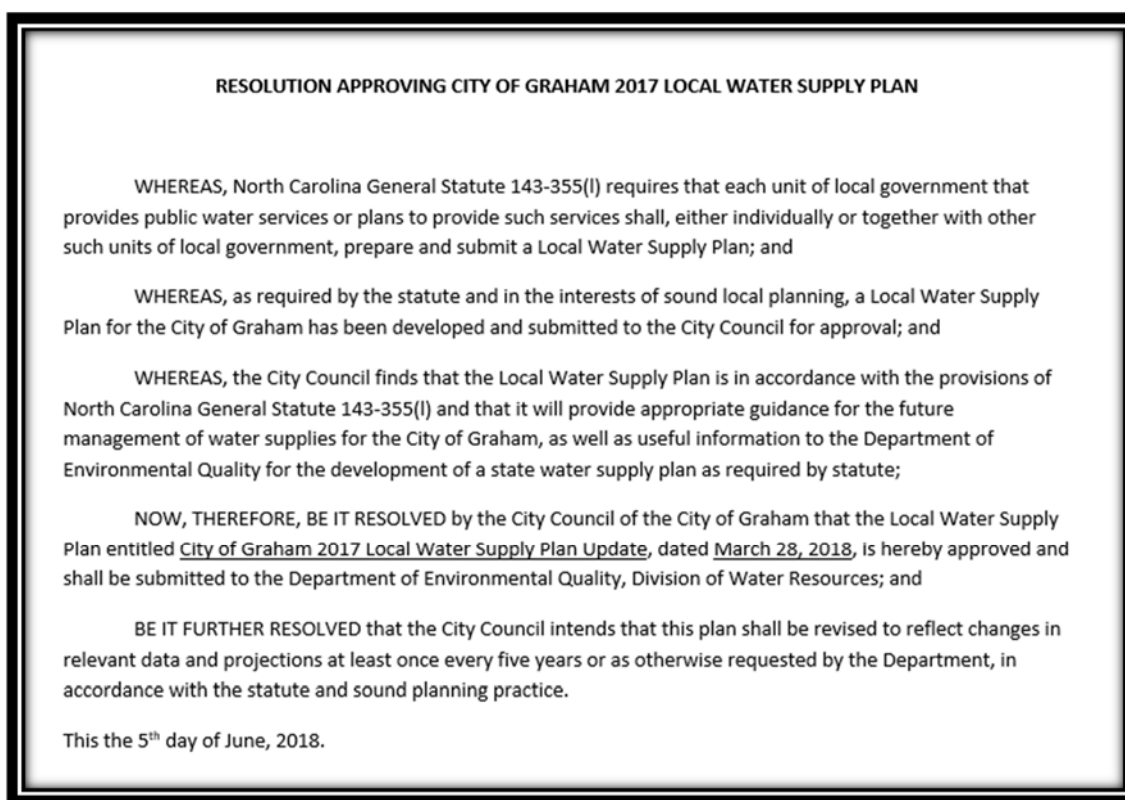
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Pastor James Garner of the Graham Church of God gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Consent Agenda:**

- a. Approval of Minutes – May 1, 2018 Regular Session*
- b. Approval of Minutes – May 18, 2018 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA EXEMPTION	10.50
378020	2017	STERIGENICS U.S. LLC	TAXES POSTMARKED FEDEX - REL INTEREST	594.00
579902	2010	ANTHONY MARBY	SOLD BOAT 2009, LIVED IN BURLINGTON 2010	14.49
598760	2012	EDWARD & ANITA HARWOOD	CLOSED BIZ LATE 2011, LANDLORD KEPT BPP	39.97
619924	2016	DAMIAN AVERY BLACKWELL	BOAT SOLD 2013	5.01
507528	2012-2013	RACHEL GIBSON	MOVED 2011, DIDNT OWN MH 2012 & 2013	32.63
558673	2010	ROGER ALAN GOTHORP	BOAT SOLD IN 2008	10.72
663345	2017	COYE JAMES COLEMAN	BOAT NOT IN CITY LIMITS	29.13
379498	2017	WOODWORKERS SUPPLY INC OF NC	BUSINESS CLOSED DEC 2016	76.73
500316	2017	NILE LEE LOVE	BOAT SOLD IN 2014	16.44
558599	2009-2014	PEDRO ORTEGA MENDOZA	TAXPAYER MOVED TO MEXICO 2007	11.05
492170	2017	RUTH DAVIS ISLEY	QUALIFIED FOR HOMESTEAD EXEMPTION	12.74
654101	2015	STEVEN C EUBANKS	SOLD BOAT 2014	18.62
32383	2015-2017	THOMAS & NANCY HAMPTON	PP NOT LOCATED IN CITY LIMITS	25.19
564232	2017	PRO MARINE SERVICE INC	BUSINESS NO LONGER IN GRAHAM	10.36
100406	2013	PULCINELLA'S (DIUCCO, ANTONIO)	BUSINESS CLOSED 2012 (2013 NEW OWNER)	55.55
578323	2017	RAMOS MAURILITO BAUTISTA	MOBILE HOME NOT LISTED IN 2017	38.69
19816	2017	ALMA G LATHAN	MOBILE HOME REMOVED, CUSTOMER MOVED	5.01

- d. *Appoint Diana Cummings to Historical Museum Advisory Board with a term of June 5, 2018 – June 30, 2019*
- e. *Appoint Jeanette Beaudry to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2020*
- f. *Appoint Jan Peterman to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2021*
- g. *Appoint Tim Beshel to Recreation Commission with a term of July 1, 2018 - June 30, 2021*
- h. *Appoint Jan Peterman to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- i. *Appoint Vanessa Coble to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- j. *Appoint Tom Loy to Tree Board with a term of July 1, 2018 – June 30, 2021*
- k. *Appoint Eric Crissman to Tree Board with a term of July 1, 2018 – June 30, 2021*
- l. *Approve Resolution to Adopt the 2017 Local Water Supply Plan*



- m. *Approve FY 2017-2018 Budget Amendments*

**CITY OF GRAHAM  
BUDGET AMENDMENT ORDINANCE  
2017-2018**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2017 - 2018 Budget Ordinance shall be and is hereby amended as follows:

**Section 1.**

GENERAL FUND DEPARTMENT	APPROVED	AMENDED	INCREASE	( DECREASE)	NET INCREASE ( DECREASE)
City Council	45,200.00	58,700.00	13,500.00		
Administrative	514,100.00	514,100.00	-		
Information Technologies	307,400.00	274,400.00	-	33,000.00	
Finance	384,700.00	384,700.00	-		
Public Building & Ground	202,300.00	235,300.00	33,000.00		
Police Department	4,098,600.00	4,098,600.00	-		
Fire Department	1,059,300.00	1,059,300.00	-		
Inspections	484,600.00	484,600.00	-		
Traffic Engineering	29,100.00	29,100.00			
Garage Warehouse	86,300.00	86,300.00			
Street Department	1,605,100.00	1,766,600.00	161,500.00		
Street Lights	121,000.00	121,000.00			
Sanitation	848,900.00	848,900.00			
Recreation	805,100.00	805,100.00			
Graham-Mebane Lake	174,200.00	174,200.00			
Athletic Facilities	227,000.00	227,000.00			
Property Maintenance	741,900.00	741,900.00			
Non-Departmental	987,600.00	987,600.00			
	<u>12,722,400.00</u>	<u>12,897,400.00</u>	<u>208,000.00</u>	<u>33,000.00</u>	<u>175,000.00</u>

**Section 2.**

GENERAL FUND REVENUES	APPROVED	AMENDED	INCREASE	( DECREASE)	NET INCREASE ( DECREASE)
Current Year Tax	4,500,000.00	4,660,000.00	160,000.00		
Recycling Proceeds		3,900.00	3,900.00		
Powell Bill	390,000.00	401,100.00	11,100.00		
	<u>4,890,000.00</u>	<u>5,065,000.00</u>	<u>175,000.00</u>		<u>175,000.00</u>

**Section 3.**

WATER & WASTEWATER EXPENDITURES	APPROVED	AMENDED	INCREASE	( DECREASE)	NET INCREASE ( DECREASE)
Water Billing admn	764,600.00	854,600.00	90,000.00		
W&S Distribution	1,479,700.00	1,479,700.00			
Maintenance & Lift Stations	326,700.00	326,700.00			
Water Treatment Plant	1,854,800.00	1,854,800.00			
Wastewater Treatment plant	1,248,000.00	1,508,000.00	260,000.00		
Non-Departmental	1,337,300.00	1,337,300.00			
	<u>7,011,100.00</u>	<u>7,361,100.00</u>	<u>350,000.00</u>	<u>-</u>	<u>350,000.00</u>

**Section 4**

WATER & WASTEWATER REVENUES	APPROVED	AMENDED	INCREASE	( DECREASE)	NET INCREASE ( DECREASE)
SURPLUS SALES	1,000.00	1,600.00	600.00		
WATER ACREAGE FEES	15,500.00	234,900.00	219,400.00		
SEWER ACREAGE FEES	15,500.00	115,500.00	100,000.00		
NCCP	75,000.00	105,000.00	30,000.00		
	<u>107,000.00</u>	<u>457,000.00</u>	<u>350,000.00</u>		<u>350,000.00</u>

**Section 7**

CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES AND EXPENDITURES	APPROVED	AMENDED	INCREASE	( DECREASE)	NET INCREASE ( DECREASE)
State Drug Funds	100.00	450.00	350.00		
Federal Drug Funds	100.00	179,100.00	179,000.00		
	<u>200.00</u>	<u>179,550.00</u>	<u>179,350.00</u>	<u>-</u>	<u>179,350.00</u>

Adopted this 5th day of June 2018

Mayor Peterman advised that he would like to pull items “i” and “m” from the Consent Agenda and asked if anyone would like to pull any other item. With no comments forthcoming, Council Member Griffin McClure made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f”, “g”, “h”, “j”, “k” and “l”. Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

Mayor Peterman asked City Clerk Darcy Sperry what the residency requirements for the Appearance Commission were in agenda item “i”. Ms. Sperry read Section 10.291 Membership; appointments of the Development Ordinance, *“The Appearance Commission shall be limited to a total membership of nine (9) persons with up to two (2) members residing in the extraterritorial jurisdiction of Graham. Members shall be appointed by the Graham City Council upon receipt of a completed application submitted to the city clerk’s office. Appearance Commission members shall serve a three-year term and may be appointed to subsequent three-year terms.”*

Council Members briefly discussed the need to be consistent with language for volunteer boards with requiring members to reside within the City limits or extraterritorial jurisdiction (ETJ). By consensus, they agreed that this current language does not specifically state that. Council directed staff to look into amending this in the future and also work on moving the Appearance Commission language from the Development Ordinance to the Code of Ordinances. Mayor Pro Tem Lee Kimrey made a motion to approve item “i” on the Consent Agenda, seconded by Mayor Peterman. All voted in favor of the motion.

Mayor Peterman asked City Manager Frankie Maness to explain a recent change in item “m” that Council Members had received prior to this meeting. Mr. Maness advised that due to a recent failure in equipment at the Wastewater Plant, additional monies needed to be added to the budget so as not to violate the current Budget Ordinance. The additional expense will be offset by a surplus in revenues for this account. Council Member McClure made a motion to approve item “m” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

## **Old Business:**

### ***a. Public Hearing: System Development Fees***

Mr. Maness and Mr. Glynn Fleming of Alley, Williams, Carmen & King explained the requirements for the proposed System Development Fees per changes in the General Statutes. Mayor Peterman opened the Public Hearing.

Ms. Jennifer Talley of 808 Sideview St. Graham stepped forward and expressed concern with the proposed fees. With no further comment forthcoming, Mayor Peterman closed the Public Hearing.

### ***b. Public Hearing: Adoption of Budget Ordinance for FY 2018-2019***

Mr. Maness presented the Budget Ordinance for Fiscal Year 2018-2019. Mr. Maness explained that this is the annual financial plan for the City. He added that the total budget is \$21,363,600 and is spread across the General, Water & Sewer and Garage Funds. This Budget will begin July 1, 2018 and run through June 30, 2019.

Following a brief discussion between Council and staff, Mayor Peterman opened the Public Hearing.

The following individuals stepped forward and expressed concern with \$60,000 included in the Budget for funding to utilize the Co/Operative as an Economic Development agent for the City with Ms. Chelsea Dickey fulfilling that role:

Ms. Linda Barnhill, 404 Forest Dr. Graham	Mr. Tom Boney of the Alamance News
Ms. Talley, 808 Sideview St. Graham	Mr. James Fletcher, 6242 S. NC 87 Graham
Mr. Paul Harden, 16 NE Court Square Graham	Mr. Chuck Talley, 808 Sideview St. Graham
Mr. Donny Collins, 117 N. Main St. Graham	
Mr. Jimmy Linens, 608 Williamsdale Rd. Graham	

Ms. Janee Farrar of 141 East Harden St. Graham and Ms. Molly Fudell of 101 North Main St. spoke in favor of the proposal with the Co/Operative and Ms. Dickey. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the proposal for Ms. Dickey's services in length while also discussing additional funds they requested Mr. Maness add to this Budget at the Budget Workshop on May 18, 2018. Council Members spoke of the different requests for funding the City receives each year from outside organizations and mentioned some actually funded in this year's Budget. Mayor Pro Tem Kimrey stated that he understands the public's concern while referencing the City's Development Ordinance and The Graham 2035 Comprehensive Plan which call for the City to grow the Downtown area. Council Member Wiggins stated that we need to invest in ourselves while Council Member McClure spoke of the growth of revenues since 2010 while taxes have remained the same. Mayor Peterman expressed concern with the timing of the presentation of the agreement with the Co/Operative while Council Member Chip Turner stated that he would like to see the \$60,000 removed from the proposed Budget. Council Members were in agreement that they were happy with the overall Budget Mr. Maness had put together.

Council Member McClure made a motion to adopt the Budget Ordinance for Fiscal Year 2018-2019, seconded by Council Member Wiggins. Ayes: Council Member McClure and Council Member Wiggins. Nays: Mayor Peterman, Mayor Pro Tem Kimrey and Council Member Turner. Motion failed 3:2.

Mayor Peterman made a motion to approve the Budget as presented minus \$60,000 from the Non-departmental Department in the General Fund, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.



## Budget Ordinance FY 2018-2019

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

**Section 1.** The following amounts are hereby appropriated in the General Fund for the operation of the City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

CITY COUNCIL	45,700
ADMINISTRATION	542,500
INFORMATION TECHNOLOGY	340,300
FINANCE	411,100
PUBLIC BUILDINGS	148,000
POLICE	3,859,200
FIRE	1,133,900
INSPECTIONS	602,200
TRAFFIC ENGINEERING	29,500
GARAGE AND WAREHOUSE	110,300
STREETS & HIGHWAYS	1,419,600
STREET LIGHTS	126,000
SANITATION	1,055,300
RECREATION	928,100
LAKE	173,000
ATHLETIC FACILITIES	375,000
PROPERTY MAINTENANCE	743,400
NON-DEPARTMENTAL	1,031,000
<b>FUND TOTAL</b>	<b>13,014,100</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

CURRENT YEAR TAX	4,650,000
PRIOR YEAR TAXES	45,000
VEHICLE TAXES	485,000
PRIOR YEAR VEHICLE TAXES	500
PY VEHICLE INT & COLL FEES	100
PAYT LIEU TAXES	26,500
STORM WATER FEE	124,000
TAX COST & INTEREST	23,000

DEVELOPMENT FEES	1,000
SALE OF SURPLUS PROPERTY	20,000
PRIVILEGE LICENSE	100
RECYCLING PROCEEDS FROM SURPLUS	100
MISCELLANEOUS GRANTS	1,000
INTEREST ON INVESTMENTS	40,000
SCHOOL RESOURCE OFFICER	110,000
POLICE DONATIONS/GRANTS	49,000
MISCELLANEOUS INCOME	50,000
ALARMS	2,000
INSURANCE PROCEEDS	1,000
FRANCHISE TAX	950,000
BEER AND WINE TAX	62,000
POWELL BILL	395,000
LOCAL SALES TAX	3,350,000.00
SOLID WASTE DISPOSAL TAX	9,000
ABC REVENUES	71,000
BLDG & ELECT PERMITS	125,000
RECREATION DONATIONS	15,000
REFUSE FEES	310,000
CEMETERY REVENUE	42,000
SPORTS HALL OF FAME	1,000
RECREATION INCOME	100,000
RECREATION RENTALS	19,000
GRAHAM MEBANE LAKE	31,000
COURTS & FINES	15,000
RENT ON CITY PROPERTY	28,000
MEBANE LAKE REVENUE	80,000
FUND BALANCE	1,477,800
NCCP	305,000
<b>FUND TOTAL</b>	<b>13,014,100</b>

**Section 3.** The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

WATER AND SEWER BILLING	426,400
WATER AND SEWER DISTRIBUTION	1,741,900
MAINTENANCE & LIFT STATION	246,200
WATER TREATMENT PLANT	1,845,400
WASTEWATER TREATMENT PLANT	1,650,900
NON DEPARTMENTAL ADMIN	1,410,300
<b>FUND TOTAL</b>	<b>7,321,100</b>

**Section 4.** It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

SALE OF SURPLUS PROPERTY	1,000
INTEREST ON INVESTMENTS	35,000
SEWER SURCHARGES	15,000
OUTSIDE SEWER SURCHARGES	43,000
WATER CHARGES	2,750,500
SEWER CHARGES	2,660,000
PLUMBING PERMITS & INSPECTIONS	25,000
WATER AND SEWER TAPS	5,000
WATER & SEWER ASSESSMENTS	100
MISCELLANEOUS INCOME	7,500
FUND BALANCE	350,000
CUT OFFS	100,000
SALE/LEASE OF PROPERTY	27,000
MEBANE REVENUE	800,000
WATER PLANT EQUALIZATION	127,000
WWTP PAYMENT-Mebane	200,000
SWORDFISH-ALAMANCE COUNTY	100,000
NCCP	75,000
	<b>7,321,100</b>

**Section 5.** The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	903,400
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**Section 6.** It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

ALA CO FUEL	204,600
CITY OF GRAHAM PARTS	210,300
CITY OF GRAHAM LABOR	158,400
CITY OF GRAHAM FUEL	199,300
GRAHAM HOUSING PARTS	3,900
GRAHAM HOUSING LABOR	2,500
GRAHAM HOUSING FUEL	6,100
ACTA PARTS	49,000
ACTA LABOR	32,700



GREEN LEVEL PARTS	6,500
GREEN LEVEL LABOR	9,000
GREEN LEVEL FUEL	7,900
ABC PARTS	300
ABC LABOR	-
ABC FUEL	2,100
SALE OF SURPLUS PROPERTY	100
INTEREST ON INVESTMENTS	600
MISCELLANEOUS INCOME	100
FUND BALANCE	10,000
<b>Total</b>	<b>903,400</b>

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

	Revenues	Expenditures
Cemetery Trust Fund	65,000	65,000
Federal Drug Monies	100	100
State Drug Monies	100	100

**Section 8.** There is hereby levied a tax at the rate of \$.455 per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2018 for the purpose of raising the Revenue listed as "Current Year Tax" and "Vehicle Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$1,179,600,000 (100% valuation) with anticipated collection rate of 97%.

**Section 9.** The schedule of Connection Fees in the City of Graham Rates and Fee Schedule are hereby repealed and the following System Development Fees are levied and implemented pursuant to G.S. 162A, as amended:

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$483.00
Single-Family Dwelling Unit	1"	1.67	\$806.00
Multi-Family Dwelling Unit	N/A	1.00	\$483.00
All Other Zoning Categories	3/4"	1.00	\$483.00
All Other Zoning Categories	1"	1.67	\$806.00
All Other Zoning Categories	1.5"	3.33	\$1,611.00
All Other Zoning Categories	2"	5.33	\$2,578.00
All Other Zoning Categories	3"	11.67	\$5,639.00
All Other Zoning Categories	4"	21.00	\$10,150.00
All Other Zoning Categories	6"	43.33	\$20,945.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$1,185.00
Single-Family Dwelling Unit	1"	1.67	\$1,975.00
Multi-Family Dwelling Unit	N/A	1.00	\$1,185.00
All Other Zoning Categories	3/4"	1.00	\$1,185.00
All Other Zoning Categories	1"	1.67	\$1,975.00
All Other Zoning Categories	1.5"	3.33	\$3,950.00
All Other Zoning Categories	2"	5.33	\$6,319.00
All Other Zoning Categories	3"	11.67	\$13,823.00
All Other Zoning Categories	4"	21.00	\$24,882.00
All Other Zoning Categories	6"	43.33	\$51,334.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

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

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

Adopted this 5<sup>th</sup> day of June 2018.

***c. Approve Resolution Establishing Water and Wastewater Capital Reserve Fund***

Mr. Maness explained that pursuant to our Public Hearing for System Development Fees and adoption of our Budget, we are required by State Statute to establish a Water and Wastewater Capital Reserve Fund.

Following a general discussion about this Fund, Council Member Wiggins made a motion to approve the Resolution Establishing a Water and Wastewater Capital Reserve Fund. Council Member McClure seconded the motion and all voted in favor of the motion.

**RESOLUTION ESTABLISHING A WATER AND WASTEWATER CAPITAL RESERVE FUND**

**WHEREAS**, there is a need in the City of Graham to provide funds for future capital projects related to its combined water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system, and

**WHEREAS**, NCGS 159-18 authorizes the creation of a capital reserve fund, and

**WHEREAS**, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund,

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT**

**Section 1. The Governing Board hereby creates a Water and Wastewater Capital Reserve Fund for the purpose of funding the following capital projects related to the City's water and wastewater system:**

- **Wastewater Treatment Plant Biological Nutrient Removal Upgrade.** The existing plant lacks advance secondary treatment for Biological Nutrient Removal, calling for an upgrade to meet projected future requirements. The estimated cost of the project is \$12 million. The City expects to complete a study in 2019 and the project itself after 2022. The City intends to appropriate approximately \$200,000 of system development fee revenues to the CRF for this purpose. The City anticipates receiving a loan to fund the remainder of the cost. It will use future system development fee collections to make debt service payments on the loan if sufficient funds remain. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **Pump Station Upgrades.** The Old Fields, Back Creek 1 and The Haw River pump stations, on the east side of the City, convey waste in succession until it reaches the Graham Wastewater Treatment Plant. Each of the pump stations are nearing the end of their useful lives and will require upgrade to handle existing and expanding demands from the area; or alternatively an outfall to bypass them. The estimated cost of the project is \$1.75 million and the City expects to begin in 2021 and complete in 2024. The City intends to appropriate approximately \$800,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **10" Transmission Line Replacement.** One of the City's main transmission lines from the plant into the distribution system is aging and susceptible to failure. The line is also lead-jointed. The estimated cost of the project is \$2.5 million and the City expects to begin in 2023-2024. The City intends to appropriate approximately \$500,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*

**Section 2.** All system development fees levied by the City shall be deposited into this CRF.

**Section 3.** This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

**Section 4.** This Resolution shall become effective and binding upon its adoption.

This the 5th day of June, 2018.

***d. Public Hearing: New Street Duplex (SUP1801). Application by Mohammad Bhatti for a new duplex at 708 ½ New Street, GPIN 8884076833***

City Attorney advised Council that a Special Use Permit requires the Council to conduct a Quasi-Judicial Hearing in which Council Members take evidence and receive exhibits as presented. He added that anyone who wishes to testify for or against the petition will have to be sworn in. Mr. Whited instructed Mayor Peterman to poll the Council for any conflicts with this particular item.

Mayor Peterman polled the Council. Mayor Pro Tem Kimrey disclosed that he has had some informational communication with a property owner with regards to how this procedure works.

Mr. Whited referred to last month's meeting where it was determined that Mayor Pro Tem Kimrey does not have to recuse himself.

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

A brief general discussion ensued between Council Members and staff. Concern was expressed that the applicant was not in attendance to provide evidence that he meets the requirements of a Special Use Permit. With no further discussion, Mayor Pro Kimrey made a motion that the application be denied and the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

***e. Approve Temporary Outdoor Sales Ordinance***

Assistant City Manager Aaron Holland reminded Council that they approved a text amendment at their June 6, 2017 meeting that allowed for Temporary Outdoor Sales as use-by-right in the B-1 (Central Business) District at City approved and permitted events. Due to conflicting ordinances, Council directed staff to research and develop language at the request of Ms. Dickey at the January 2, 2018 meeting. For subsequent months, staff presented draft language based on the input provided by Council members, business owners and citizens.

Council Members and staff briefly discussed the proposed language and how this pertains to food trucks specifically. Council Members asked staff about distance requirements, number of days and enforcement of this ordinance.

The following individuals stepped forward and voiced their concern with either all or part of this proposed ordinance:

Mr. Ben Barnhill, 404 Forest Dr. Graham  
 Ms. Theresa Emrick, 1173 Boone Road  
 Mr. Don Penny, 114 N. Main St. Graham  
 Ms. Talley

Mr. Talley  
 Mr. Fletcher  
 Mr. D. Collins

Ms. Farrar spoke in favor of the proposed language.

Council Members and staff addressed the concerns surrounding food trucks. They talked of how difficult a task it has been to write this ordinance. Council Members once again discussed distance requirements and also discussed the proposed permit fees.

Council Member McClure made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with a permit fee of \$25.00 and a distance of 25 feet from restaurants, seconded by Mayor Pro Tem Kimrey. Ayes: Council Member McClure, Council Member Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Motion is insufficient for first reading to become law. The second reading is scheduled for July 3, 2018.

### **Requests & Petitions from Citizens:**

- a. ***Request from Daniel and Lisa Alvis to close the West Elm Street Parking Lot from 9:00 a.m.-11:00 p.m. on Saturday, August 25, 2018 for a benefit for Little Pink Houses of Hope***

Mr. Daniel Alvis, 1022 Noah Rd. Graham and Ms. Dickey presented Council with some detailed information for the event planned for August 25, 2018. There will be music, vendors, children's inflatables and face painting as well as a 5k run with 100% of the profits donated to the Little Pink Houses of Hope.

Mayor Peterman made a motion to approve the request, seconded by Council Member Wiggins. All voted in favor of the motion.

### **Recommendation from Planning Board:**

- a. ***Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances***

Planning Director Nathan Page recommended Council table this item until there is a regulation in the Code of Ordinances. Mayor Pro Tem Kimrey made a motion to table this at this time until we have public discussion in regards to approval of some ordinance, seconded by Council Member Wiggins. All voted in favor of the motion.

- b. ***Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts***

Mr. Page explained that this request is for the addition of the word fences into Sections 10.441 and 10.466 of the Development Ordinance. The new proposed language would read "accessory structures, fences and signage shall be of consistent design with the primary structure and be constructed of like or architecturally compatible materials."

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

Mr. Jordan Conklin of 616 Johnson Ave. Graham stepped forward and asked for clarification of materials that could be used for fencing. He encouraged Council to look at language that would take out the type of fencing the Planning Board is trying to prohibit. Mr. Talley stepped forward and expressed concern with this language as well.

Council Members ultimately agreed that there are too many questions with the proposed language and by consensus, agreed to table this request until next month.

- c. ***Public Hearing: Shamrock Post Southern Loop (CR1801). Application by Jimmy Collins for new Conditional Zoning for additional homes within the old Southern Loop Route (GPIN 8873328657, 8873239224, 8873239631)***

Mr. Page stated this is a request to replace the existing Conditional Rezoning application for the unfinished section of Shamrock Valley. The amendment will permit additional homes to be constructed on the right-of-way which was originally reserved for the proposed Southern Loop. There are now a total of 232 homes, up from the original of 179. This comes to a total density of 3.04 dwelling units per acre.

Council Members and staff briefly discussed buffers and current density regulations in Suburban Residential Zoning. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Jimmy Collins of 5556 Friendship Patterson Mill Rd. Burlington stepped forward to address the Council. He stated that this request is the result of a change in demand for homes. Council Members asked Mr. Collins about buffer areas, the effect the removal of the Southern Loop has had on the original plan and the sewer outfall.

The following individuals who have property that abuts Mr. Collins property expressed concern with the density, water runoff and how it may impact their property:

Ms. Anne Kelly, 2270 Race Track Rd Burlington	Mr. Jim Sherard
Mr. Michael Kelly, 2270 Race Track Rd. Burlington	Mr. John Harris
Ms. Janet Sherard, 2304 Sherard Tr. Burlington	
Ms. Kathryn Sherard, Sherard Tr. Burlington	

Mr. Brent Cochran of 8518 Triad Dr. Colfax stepped forward to address concerns presented. Mr. Cochran is the engineer on this project. He advised that the concerns the neighboring residents have will be addressed through the Technical Review Committee process. Mr. J. Collins assured everyone that he wants to be a friendly neighbor. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the direction in which The Graham 2035 Comprehensive Plan suggests growth and how this developer is doing what the Plan calls for. It was noted that the property currently is zoned R-12 and the developer could utilize the property as a use by right today, without coming before Council.

Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A twenty (20) foot buffer of existing vegetation for the western portion of the property be left in place;

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's compliant and very consistent with the requirements in our Comprehensive Plan. Council Member Wiggins seconded the motion and all voted in favor of the motion.

**Boards and Commissions Appointments:*****Alamance County Library Committee – 2 year term***

Council Member Wiggins made the motion to recommend Hiroko Solari for reappointment by the Alamance County Commissioners, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

***Historic Resources Commission – 4 year term***

Council Member McClure made a motion to reappoint Cary Worthy, seconded by Council Member Wiggins. All voted in favor of the motion.

***Housing Authority – 5 year term***

Council Member McClure made a motion to appoint Evelyn Graves-Curtis, seconded by Council Member Wiggins. All voted in favor of the motion.

***Planning Board/Board of Adjustment – 3 year term***

Mr. Nathan Perry of 201 South Maple St. Graham stepped forward and stated that it has been a pleasure serving on the Planning Board and he would appreciate Council's consideration for reappointment.

Mayor Pro Tem Kimrey made a motion to reappoint Nathan Perry, seconded by Council Member Wiggins. All voted in favor of the motion.

**Approve Resolution Authorizing Application to the NCDOC Rural Economic Development Division Reuse Building Grant Program for Expansion of Steve's Garden Market and Butchery**

Mr. Maness explained that the requested resolution would complete an application packet by the City on behalf of Steve's Garden Market for expansion. The grant request is for \$80,000 or \$5,000 per job. If approved for the grant, Steve's Garden Market will almost triple in size and add up to 16 new employees.

Following a brief discussion between Council Members and staff regarding the handling of this grant, if approved, and the grant being tied to job expansion, Council Member McClure made a motion to approve the Resolution by the City Council of the City of Graham Authorizing Application to the NCDOC Rural Economic Development Division Building Reuse Grant Program for Expansion of Steve's Garden Market and Butchery. Council Member Wiggins seconded the motion and all voted in favor of the motion.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GRAHAM  
AUTHORIZING APPLICATION TO THE NCDOT RURAL ECONOMIC  
DEVELOPMENT DIVISION BUILDING REUSE GRANT PROGRAM FOR  
EXPANSION OF STEVE'S GARDEN MARKET & BUTCHERY**

**WHEREAS**, the North Carolina Rural Infrastructure Authority (RIA) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of building activities needed to create jobs; and

**WHEREAS**, the City of Graham desires assistance in financing a building project that may qualify for Rural Grants/Programs funding; and

**WHEREAS**, the City of Graham intends to request grant assistance for the expansion of Steve's Garden Market and Butchery at 329 W. Harden Street from the Building Reuse Grant Program.

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

That the City of Graham will provide 5% of the Building Reuse Program Grant toward project construction costs, if approved for a grant;

That Jerry Peterman, Mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the Rural Grants/Programs Section for a grant to assist in the above-named Building Reuse project.

That Frankie Maness, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as Rural Grants/Programs Section may request in connection with an application or with the project proposed; to make assurances as contained in the application; 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 the grants pertaining thereto.

Adopted this the 5<sup>th</sup> day of June, 2018 at Graham, North Carolina.

**First Reading: Amendment to the City of Graham Code of Ordinances –  
Chapter 16 – Solid Waste**

Mr. Holland explained that the City is growing and the Sanitation Department has begun to feel the effects of this growth. This request is from the City's Public Works Director and calls for Council to amend the beginning time of garbage collections, from 8:00 a.m. to 7:00 a.m., in an effort to provide an efficient way to maintain the high level of service our residents are accustomed to while providing flexibility for the department.

Council Member Wiggins made a motion to approve the Ordinance amendment to Chapter 16 – Solid Waste to change the time of placement for garbage containers from 8:00 a.m. to 7:00 a.m. with an effective date of 01/01/2019, seconded by Council Member McClure. All voted in favor of the motion.



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 16, SEC. 16-5 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

**Sec. 1.** That the Code of Ordinances, City of Graham, North Carolina, is hereby amended to read as follows:

**CHAPTER 16 – SOLID WASTE**

**Sec. 16-5. - Receptacles generally.**

All residences and some small business establishments will be provided with a large roll-out container for all garbage, waste and refuse for removal by the sanitation department. These containers will be of sufficient size to allow for collection once a week. The following rules and regulations shall be observed:

1. City-provided containers must be used so that automated trucks can be utilized. Bulk items or items too large to fit in the provided container will be serviced on call-in basis only.
2. Nothing except garbage as herein defined shall be placed in provided containers and such garbage shall be drained before being introduced into the garbage container. Ashes shall be cold and contained in plastic bags.
3. Garbage containers must be placed at the curb by ~~8:00~~ 7:00 a.m. on days of collection and shall be removed promptly after being emptied. No garbage receptacles of any kind shall remain upon any public street or any public lane or alley.
4. Garbage containers should be placed according to directions provided on the container. It is the resident's responsibility to ensure that vehicles do not block the container.
5. The following materials shall not be placed in garbage receptacles for residential collection by the city sanitation department: paints, liquids, hazardous waste, gasoline, oil, flammable liquids, caustic substances, solvents, explosives, hot coals or ashes, building materials, demolition materials, dead animals, yard waste, tires or any items banned by the county landfill.
6. It will be the responsibility of the city to maintain the provided containers in a reasonable working condition.
7. The resident or small business owner will be responsible for keeping his container in a clean and sanitary condition.

**Issues Not on Tonight's Agenda:**

Mr. Talley stepped forward and encouraged Council to establish an Economic Development Commission for the City.

Mayor Peterman asked Mr. Page for an update on the Garden Valley project.

Mr. Whited introduced his summer intern, Mr. Aaron Harris.

Council Member Wiggins asked staff to work on the residency requirement for the Appearance Commission.

Mr. Maness asked Council if they wanted to reschedule the July 3, 2018 meeting. It was agreed that the meeting will stay on July 3, 2018.

At 11:39 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.