

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 7, 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
Alexa Powell, City Planner
Jeff Prichard, Police Chief

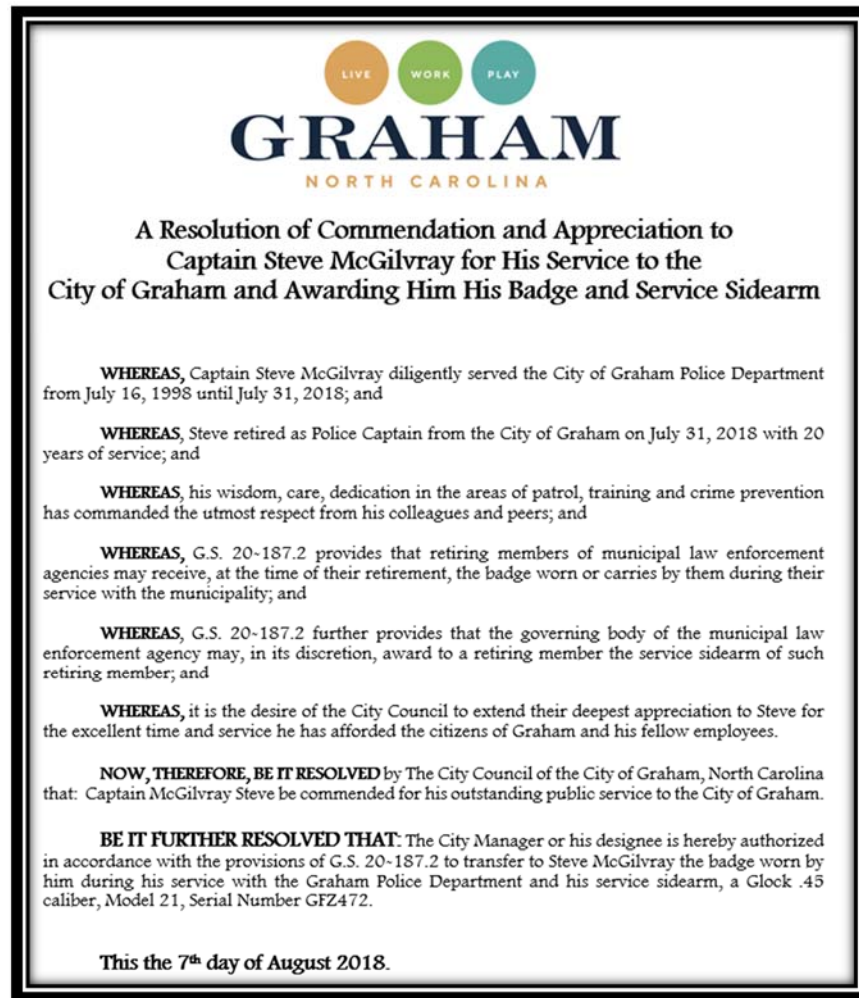
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. *Approval of Minutes – July 3, 2018*
- b. *Tax Releases*

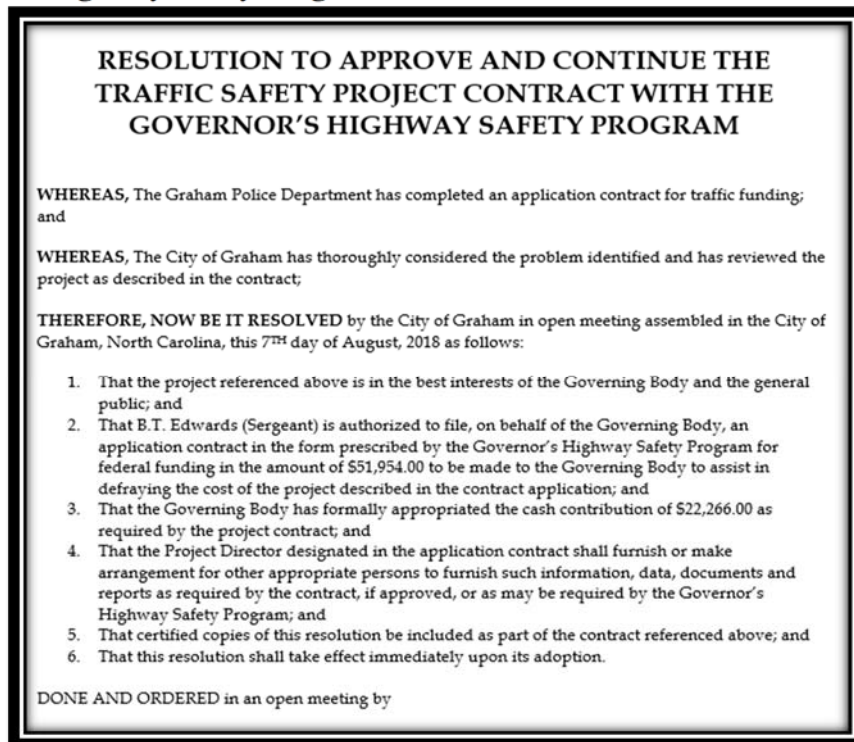
CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
560935	2014 - 2017	PIERSON, DIANA NASH	MOVED OUT OF STATE - BOAT/MOTOR	184.02
664089	2017	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,095.76
664089	2018	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,096.85

- c. *Tax Collector Year End Report*
- d. *2017 Outstanding Tax Listing*
- e. *Approve Resolution of Commendation and Appreciation to Captain Steve McGilvray for his service to the City of Graham and Awarding him his Badge and Service Sidearm*

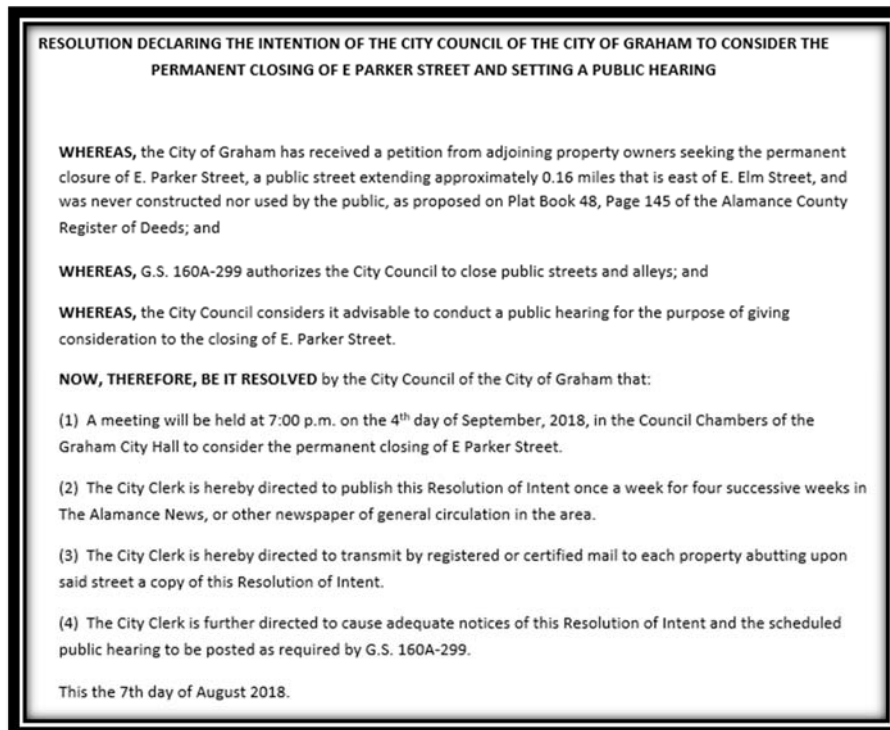


- f. Appoint Allene Massengill to the Historical Museum Advisory Board with term to expire June 30, 2019*
- g. Approve request from Jennifer Talley to close the 100 block of East Elm Street on Friday, September 14, 2018 from 6:00 p.m. until 5:00 p.m. on Sunday, September 16, 2018 for the Downtown Graham DockDogs Festival, pending receipt of a certificate of liability insurance prior to the event*
- h. Approve request from The Exchange Club's Family Center in Alamance County to close the Ward Parking Lot located at the corner of Harden Street and Maple Street from 8:00 a.m. – 12:00 p.m. on Saturday, August 25, 2018 for a "Stuff for Success" event, pending receipt of a certificate of liability insurance prior to the event*
- i. Approve Resolution amending contact information for the North Carolina Alcoholic Beverage Control Commission*

l. Approve Resolution for Continuation of the Dedicated Traffic Enforcement Unit with the Governor's Highway Safety Program



m. Approve Resolution authorizing the process to begin closure of an unconstructed portion of East Parker Street



n. Petition for Voluntary Non-Contiguous Annexation for a portion (69.781 acres) of a parcel on Governor Scott Farm Road GPIN#9803085096 (AN1802):

- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency***
- ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation***

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 11, 2018, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

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 7:00 pm on September 4, 2018.

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:

BEING A 69.781 TRACT OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF KIMREY ROAD (S.R. 2125) AND GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF LOT 2 AS DESCRIBED IN MAP BOOK 77, PAGE 155, ALAMANCE COUNTY REGISTRY (HENCE ACR), AND BEING A PORTION OF TAX ID: 172761 SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

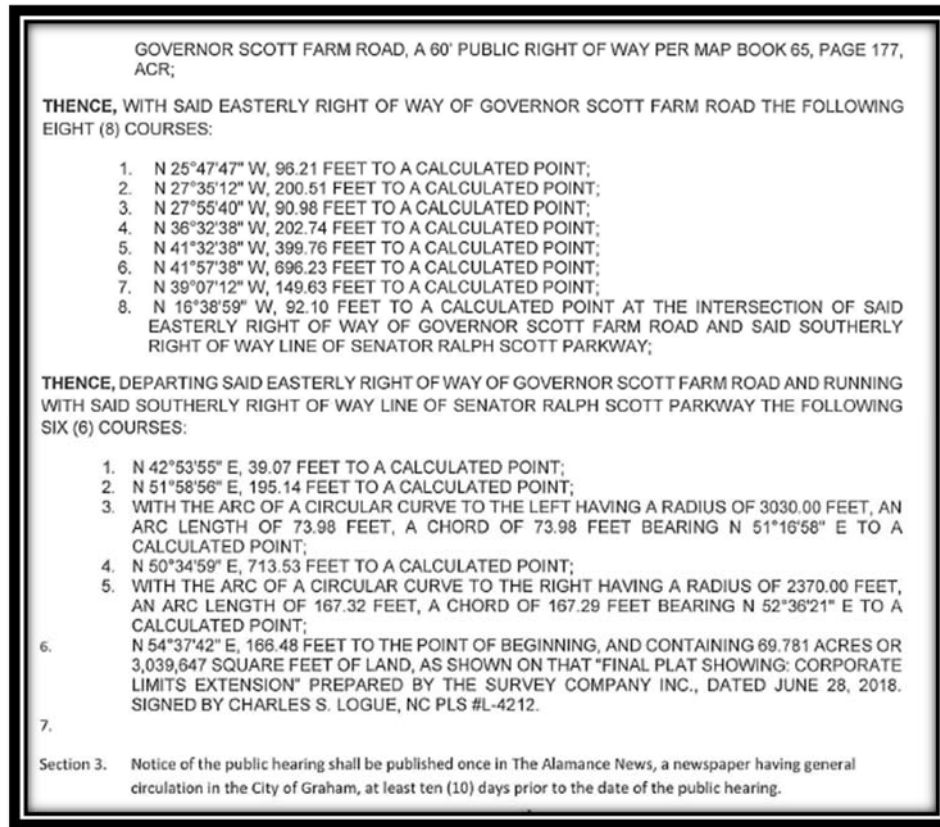
COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00:

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A FOUND CONCRETE MONUMENT, HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 838,915.28 AND EAST 1,900,385.63, ON THE SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY, A 60' RIGHT OF WAY PER MAP BOOK 77, PAGE 248, AND BEING THE NORTHWESTERN MOST CORNER OF THAT LIDL US OPERATIONS, LLC TRACT AS DESCRIBED IN DEED BOOK 3489, PAGE 373 AND BEING FURTHER KNOWN AS LOT 1A PER MAP BOOK 77, PAGE 155, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, DEPARTING SAID RIGHT OF WAY OF SENATOR RALPH SCOTT PARKWAY AND RUNNING WITH THE WESTERLY LINE OF SAID LIDL US OPERATIONS, LLC TRACT, S 40°23'47" E, 2,423.69 FEET TO A FOUND CONCRETE MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD THE FOLLOWING SEVEN (7) COURSES

1. S 70°07'55" W, 168.33 FEET TO A FOUND CONCRETE MONUMENT;
2. S 70°26'57" W, 235.26 FEET TO A CALCULATED POINT;
3. S 70°41'04" W, 300.01 FEET TO A CALCULATED POINT;
4. S 70°24'37" W, 300.07 FEET TO A CALCULATED POINT;
5. S 70°24'57" W, 300.00 FEET TO A CALCULATED POINT;
6. S 70°25'39" W, 200.75 FEET TO A CALCULATED POINT;
7. S 67°28'19" W, 66.64 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD AND THE EASTERLY RIGHT OF WAY LINE



Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items "e", "i", "m" and "n". Council Member Melody Wiggins asked to pull items "g" and "h". Council Member Chip Turner made a motion to approve items "a", "b", "c", "d", "f", "j", "k" and "l". Council Member Griffin McClure seconded the motion and all voted in favor of the motion.

Following a personal thank you to Captain Steve McGilvray for his service to the City of Graham, Mayor Pro Tem Kimrey motioned to approve item "e", seconded by Council Member Turner. All voted in favor of the motion.

Council Member Wiggins advised that City staff is currently working on a new policy for City approved events which will include a planning meeting with event organizers and the City Manager prior to the event. She added that she would like to see such meeting with items "g" and "h". Council Member Wiggins made a motion to approve items "g" and "h" with the additional language: one planning meeting with the City Manager prior to the event, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff who is currently listed as the contact person with regards to item "i". City Clerk Darcy Sperry advised that former Police Chief Johnny Wehunt is the contact on file. Mayor Pro Tem Kimrey asked Police Chief Jeff Prichard if he has ever had to testify in front of the Alcohol Beverage Commission. Chief Prichard advised that he has not. Mayor Pro Tem Lee Kimrey made a motion to approve item "i", seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if any consideration about installing a cul-de-sac at the end of the stub road included in item “m”. Planning Director Nathan Page stated that it has not come up in any discussion. Mayor Pro Tem Kimrey also asked about notifications to adjoining property owners. Mr. Page advised that if this item is approved, notification will be sent to adjoining property owners as well as the requirement to publicize the street closure for a period of four weeks prior to Council taking action to officially close the street. Mayor Pro Tem Kimrey made a motion to approve item “m”, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if we know what the property owner might have planned for the property referred to in item “n”. City Manager Frankie Maness stated that no plans have been received by the City thus far, but added that it may be a warehouse that is industrial in nature. Council Member Turner motioned to approve item “n”, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Second Reading: Temporary Outdoor Sales Ordinance

Assistant City Manager Aaron Holland explained that City Council approved a text amendment at the 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 January 2, 2018 meeting. After several months of discussion between Council, staff, and concerned parties, Council voted 3-2 during the first reading on June 5, 2018 to allow for Temporary Outdoor Sales with a 25 ft. distance requirement from restaurants and a \$25 permit fee. Because the vote was insufficient to pass on the first reading, a second reading was scheduled for July 3, 2018. An amendment to the text was proposed at the July 3rd meeting from Council to increase the distance requirement from 25ft. to 50ft from a structure of a similar establishment. Council voted 3-2 in favor of this proposed ordinance and a second reading was scheduled for tonight.

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

Mayor Pro Tem Kimrey 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 as attached. He stated that if this proves to not be a good fit for the City, it can always be modified in the future. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Council Member McClure. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, ADDING CHAPTER 8, ARTICLE VIII, SEC. 8-345 TO 8-346 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 by adding a section, to be numbered 8-345 to 8-346, which said section shall read as follows:

Chapter 8 - BUSINESSES

ARTICLE VIII. – TEMPORARY OUTDOOR SALES

ADD: SEC. 8-345. - Temporary Outdoor Sales:

The following restrictions apply to all Temporary Outdoor Sales on private property. These restrictions shall not apply to Garage Sales, as that term is used and defined in Article 8-306 et seq., Code of Ordinances, City of Graham, which shall hereafter continue to regulate such sales and conduct.

The following restrictions shall not apply to farmers selling goods grown on their own property, nor to approved vendors in association with City approved and permitted events. All other organizations shall limit their outdoor sales as follows:

1. **Permit Required:** Any vendor seeking to make use of this ordinance must apply to the City's Planning Department for a permit and pay the fee for the permit. The issuance of the permit is contingent upon the continuous operation of the liability insurance and any other regulatory requirement, such as health department food service permit for mobile food service.
2. **Cleanliness and Sanitation:** Vendors must post in a conspicuous place, visible to the public from the service window, all licenses and permits required by any regulator, including but not limited to the Health Department and Department of Insurance. Vendors are required to keep a 15 foot buffer free of trash. Vendors may not increase the burden on City Sanitation by using the City trash receptacles. Vendors must provide a private means for trash disposal.
3. **Hours of Operation:** Vendors may not begin their operations before 7AM. Vendors must complete all operations before 11PM.
4. **Duration:** The property owner shall only allow the use of their property for not more than three (3) days within a seven (7) day period. A vendor shall be limited to no more than one (1) day within that seven (7) day period.
5. **Permitted zones:** The zoning of the property must allow for the intended use of the vendor in accordance with the City of Graham Development Ordinances. Vendors may conduct sales within the public right-of-way in locations directed by City Staff only when the City Council has approved a temporary street closing for -City- approved and permitted events such as a street festival/fair.
6. **Location:** Vendors shall not be located within 50 feet from structure of a similar establishment. This restriction shall not apply to the property owner.

7. **Sound:** Generator(s) must not run within 200' of a dwelling unit after 9 PM, nor before 8AM, except as part of a City sanctioned event. No vendor supplied music or amplified advertising shall be permitted at any time.
8. **Unattended sales:** All vendors must have personnel at the site of temporary sale at all times. The vendor site shall not be left unattended for more than ten minutes.
9. **Signage:** Other than any signs painted on the mobile unit (for example on the side of a food truck), only one A-frame sign, not to exceed 3 square feet per side is permitted.

SEC. 8-346 – Violation.

A violation of this ordinance shall be punishable as a Class 3 misdemeanor, subject to a fine not to exceed \$500.00 as provided in section 14-4 of the General Statutes of North Carolina (G.S. 14-4). Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense. The imposition of a penalty under the provisions of this ordinance shall not prevent the revocation or suspension of any license, franchise or permit issued or granted hereunder. A violation of this ordinance is declared a nuisance to the public and may be summarily abated by the Chief of Police in addition to the imposition of a fine or imprisonment. Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

(Section added xx/xx/xx).

b. 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 reminded Council that Chelsea Dickey requested the City reexamine our existing Temporary Outdoor Sales. This amendment is to remove the restriction from the Development Ordinance, such that the Code of Ordinances would regulate the use. The Temporary Outdoor Sales would still need to abide by the closest zoning use, for example, a commercial vendor would be permitted on a B-2 lot but not on an R-7 lot.

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

Council Member Wiggins made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Mayor Pro Tem Kimrey seconded the motion. Ayes: Council Member Wiggins, Mayor Pro Tem Kimrey, Mayor Peterman and Council Member McClure. Nays: Council Member Turner. Motion carried 4:1.

c. Public Hearing: Duplex in High Density (AM1804). Request by Kristen Foust to amend the City of Graham Development Ordinance, Section 10.135 - Table of Permitted Uses, to permit duplex dwellings as use by right in R-7 zoning district

Mr. Page explained that this application seeks to amend our Table of Permitted Uses located in the Development Ordinance. The request is to allow duplexes as a use by right in our high residential zones (R-7).

Following a general discussion between Council Members and staff about the overall effect of density in various residentially zoned districts, Mayor Peterman opened the Public Hearing.

Ms. Kristen Foust of 1851 South Main Street Graham stepped forward to address Council. She advised that she had recently purchased the two parcels in question and in an effort to revitalize the properties, she believes that her proposed plans are consistent with The Graham 2035 Comprehensive Plan.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward and expressed concern with fire separation in duplex dwellings.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Mayor Pro Tem Kimrey made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It will allow for more efficient utilization of City infrastructure and services. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins, Mayor Peterman and Council Member McClure. Nays: Council Member Turner. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Haw River Assembly – Resolution to Oppose the Proposed Mountain Valley Pipeline Southgate Extension in Alamance County

Ms. Emily Sutton of 2602 Saxapahaw Bethlehem Church Road Graham stepped forward representing the Haw River Assembly. She showed Council a power point presentation and encouraged Council to oppose the proposed Mountain Valley Pipeline. Following the presentation, Mayor Peterman thanked Ms. Sutton and stated that Council will wait for the County Commissioners to take action before this Council will consider taking action.

Recommendation from Planning Board:

- a. **Public Hearing: Rogers Shugart (RZ1804). Request from Shugart Enterprises, LLC to rezone property located on Rogers Road from Residential Low Density R-18 to Residential High Density R-9***

Mr. Page advised that the Planning Board tabled this request and asked Council to do the same. Mayor Peterman opened the Public Hearing and Council Member Wiggins made a motion to continue the Public Hearing to next month. Council Member Turner seconded the motion and all voted in favor of the motion.

- b. **Public Hearing: McAden Business (RZ1802). Request from Curt McVey to rezone property located at 204 E. McAden Street from High Density Residential (R-7) to Neighborhood Business (B-3) GPIN#8884223927***

Mr. Page explained this property is surrounded by residential properties and tax records indicate that the structure was built in 1950. This request is to rezone the property to B-3, to allow the current structure to be utilized as a professional office. He added that the prior use as an office was no longer permitted to continue as a nonconformity due to the facility being vacant for greater than 180 days.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Council Member Wiggins made a motion that the application be approved and that the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

- c. **Suggestion for Used Tire Ordinance***

Mr. Page explained that the Planning Board requested that the City Council consider following in the footsteps of Burlington and adopting a Used Tire Ordinance similar to theirs, should the outside storage of used tires become a problem in the future.

Following a brief discussion between Council Members and staff, Mayor Peterman asked staff to look into adding language that would strengthen our current nuisance ordinance pertaining to used tires.

Boards & Commissions Annual Updates:

- a. **Historic Resources Commission***

City Planner Alexa Powell, staff liaison to the Historic Resources Commission, presented Council with an update of several projects currently handled by this commission. Council Members thanked Ms. Powell and the commission for their efforts.

- b. **Historical Museum Advisory Board***

Council Member Wiggins, Council liaison to the Historical Museum Advisory Board, presented Council with an update of the revitalization project currently taking place at the museum. Council Members asked her to relay a job well done to the current members of this board.

Approve Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall

City Manager Frankie Maness explained that the Old Fields Subdivision along Cherry Lane has an approved development plan that includes 755 dwelling units and various pods for nonresidential uses. To date, less than 50 of the dwelling units are constructed and further development is restricted due to the lack of collection system capacity. Current development within Old Fields is served by a small lift station that was originally permitted as a temporary solution for the initial phases of development only. Mr. Maness requested that Council authorize him to enter into an agreement with the developer to share in the cost for the outfall, anticipated to cost the City approximately \$400,000.

Following a brief discussion between Council Members, it was determined that anytime you have a developer who is willing to fund two-thirds of a project of this magnitude, we need to take advantage of such an agreement.

Council Member McClure made a motion to approve the Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall, seconded by Council Member Turner. All voted in favor of the motion.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH KG PLAZA, LLC FOR THE CONSTRUCTION OF A PORTION OF THE BACK CREEK SEWER OUTFALL

WHEREAS, On November 14, 2011, the City approved a revised Master Development plan for Old Fields subdivision, containing 755 dwelling units that specified the installation of a permanent gravity sewer solution to serve Old Fields that could be extended in the future to eliminate the City's Back Creek No.1 sanitary sewer lift station; and

WHEREAS, The City constructed the Cherry Lane Regional Pump Station in 2006 to accept and convey the waste water from Old Fields and other lands directly to the City of Graham Waste Water Treatment Plant; and

WHEREAS, At the time of the approvals and platting of the currently developed property, improvement permits were granted to certain lots. The approval of these lots were based on sewer service being provided by an on-site "temporary" sanitary sewer lift station installed by the previous owner; and

WHEREAS, This Temporary Station is now operated and maintained by the City of Graham and discharges to Back Creek No. 1 Lift Station. The Temporary Station is limited in capacity to the property that is currently developed and platting and Back Creek No.1 is limited to receiving sewer flow from 200 total lots in the Old Fields Subdivision; and

WHEREAS, In order for the temporary station to receive a total of 200 lots from Old Fields Subdivision, the Temporary Station would require upgrading at an estimated cost of approximately \$300,000; and

WHEREAS, In order to receive any additional sewer flow from more than 200 lots in the Old Fields Subdivision, an upgrade to the Temporary Station with an estimated cost of approximately \$850,000 would be required to divert the sewer flow to Cherry Lane Regional Pump Station. In addition, the Temporary Station would become a permanent pump station maintained by the City and the ability to remove Back Creek No. 1 from service would not be possible as part of the Old Fields Subdivision; and

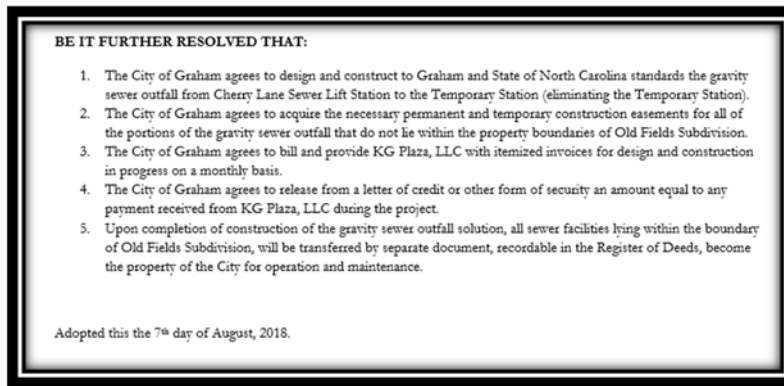
WHEREAS, Spending public or private dollars for the upgrading of the Temporary Station merely postpones the inevitable necessity for a permanent solution to the gravity flow of sewer services from the Old Fields Subdivision; and

WHEREAS, KG Plaza, LLC, owner of Old Fields, desires to enter into an agreement to reach a permanent solution for the complete gravity flow of the sewer to the Cherry Lane Pump Station, which eliminates the Temporary Station and affords the City the opportunity to eliminate Back Creek No. 1 and expand sewer service to additional lands.

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

The City Manager is authorized to enter into a development agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall. The development agreement shall include assurances that:

1. KG Plaza, LLC shall provide a cash bond, letter of credit or other form of security in the amount of \$800,000 to the benefit of the City to Graham prior to the design and construction of a gravity sewer outfall from Cherry Lane Sewer Lift Station to the Temporary Station (eliminating the Temporary Station);
2. KG Plaza, LLC shall design and construct additional phased on-site 8" public sewer improvements to allow for future connection by adjacent upstream property with an approximate elevation of 530 feet with 150,000 gallons per day capacity and serving approximately 150 acres of new development;
3. KG Plaza, LLC shall provide, without charge, the permanent and temporary construction easements within the Old Fields Subdivision, for the outfall extension that would eliminate Back Creek No. 1 and agree to provide these permanent and temporary easements without charge for future connection to the upstream property;
4. KG Plaza, LLC shall be responsible for 2/3rds (two-thirds) of the total cost of the gravity sewer outfall, up to \$800,000.
5. KG Plaza, LLC shall reimburse the City for 2/3rds (two-thirds) of the cost of the gravity sewer outfall project in progress as requested by the City, up to \$800,000 and occurring at no greater frequency than monthly.



Issues Not on Tonight's Agenda:

City Attorney advised that this is the last week that the City's Legal Intern Aaron Harris, would work for the City. Mr. Harris thanked the City and stated he enjoyed his time here.

City Clerk Darcy Sperry advised those Council Members that are required to complete ethics training that she would be sending out a Doodle Poll in an effort to select a date that works for everyone.

Mr. Maness recognized Administrative Intern Darby Terrell and advised that this would be her last week to work as well. Ms. Terrell thanked everyone and stated she has enjoyed working here.

Council Member McClure invited anyone to come forward that wanted a chance to speak on the Mountain Valley Southgate Project discussed earlier. Mr. David Naylor of 1523 Jimmie Kerr Road Haw River stepped forward and expressed his concern with the pipeline.

Mayor Pro Tem Kimrey asked staff if there has been any progress on the hiring of a new Downtown Economic Development position. Staff advised that interviews have commenced and we anticipate having someone hired in the next couple of weeks.

Mayor Peterman asked Police Chief Prichard to relay a well done to Captain Steve McGilvray on his behalf.

At 8:40 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk