

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, AUGUST 6, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 6, 2019, 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 Chip Turner
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Mary Faucette, Downtown Development Coordinator
Tommy Cole, Fire 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. Approve Minutes – July 2, 2019 Regular Session*
- b. Approve Minutes – July 9, 2019 Special Session*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
521775	2019	BV 170 LLC	RE IN WRONG NAME - DISCOVERED IN CORRECT NAME	2,880.59
25144	2019	ANDRESS, CHARLES LOGAN	QUALIFIED FOR HOMESTEAD EXEMPTION	179.43
443659	2019	SLOMINSKI, FREDERICK L	QUALIFIED FOR DISABLED VETERAN EXCLUSION	\$204.75
665048	2019	SPRINKLE, ROBERT HARRY	PROPERTY SOLD BEFORE 7/1, REMOVE EXEMPTION AND BILL FULL TAX BILL TO NEW OWNER	\$498.17
678089	2019	CASHION, JOHN EDWARD III	DOES NOT LIVE IN CITY OF GRAHAM-BOAT	\$68.76
678174	2019	REICHENBACH, KENNETH WADE	BOAT HAD WRONG VALUE	\$163.57

- d. Approve Tax Collector's Year End Report*
- e. Approve 2018 Outstanding Tax Listing*
- f. Approve Resolution Authorizing Conveyance of a Chandler and Price Flatbed Printing Press to Elon University Pursuant to G.S. 160A-280*

**RESOLUTION AUTHORIZING CONVEYANCE OF A CHANDLER AND PRICE
FLATBED PRINTING PRESS TO ELON UNIVERSITY PURSUANT TO G.S. 160A-280**

WHEREAS, the City of Graham was donated a Chandler and Price 10" x 15" flatbed printing press through the operation of the Graham Historic Museum; and

WHEREAS, Elon College originally purchased the Chandler and Price 10" x 15" flatbed printing press in 1938 from a Concord North Carolina newspaper. Because of their quick set-up and low production costs, small flatbed or "jobbing" presses, like this widely used Chandler and Price, were a cost effective way to print limited numbers of good quality smaller pieces. It was the second press purchased by the college and was used to print many items that had been printed off campus such as letterhead stationery, event programs, college forms, and tickets.; and

WHEREAS, Louis Jones and Jerry Peterman worked to preserve and restore the printing press; and

WHEREAS, North Carolina General Statute § 160A-280 authorizes the donation of any surplus personal property, including supplies, materials, and equipment, that the governing board deems to be surplus, obsolete, or unused; and

WHEREAS, the Graham Historical Museum Advisory Board recommends that the Chandler and Price 10" x 15" flatbed printing press be deemed surplus and that it be donated to Elon University.

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The Chandler and Price 10" x 15" flatbed printing press is hereby declared surplus; and
2. The City of Graham hereby conveys to Elon University the Chandler and Price 10" x 15" flatbed printing press subject to agreement that the preservation and restoration efforts of the Graham Historical Museum, Louis Jones and Jerry Peterman be acknowledged.
3. The property herein described shall be conveyed for no consideration.
4. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 6th day of August, 2019.

- g. Approve Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation*
- h. Approve Request from ALCOVETS to close the 100 block of East Elm Street from 5:00 p.m. on Friday, September 13, 2019 through 5:00 p.m. on Sunday, September 15, 2019 for the 2019 DockDogs event, provided the following conditions are met prior to the event::*
 - i. Provide a Certificate of Liability insurance meeting all City requirements*
 - ii. Submit a Temporary Outdoor Sales Permit Application*
 - iii. Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Melody Wiggins asked to pull item "g", while Mayor Pro Tem Lee Kimrey asked to pull items "d" and "e".

Council Member Chip Turner made a motion to approve items "a", "b", "c", "f" and "h" on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

With respect to item “d”, Mayor Pro Tem Kimrey asked City Manager Frankie Maness what the delinquent tax amount equates to with regard to our tax rate. Mr. Maness stated it would be approximately $\frac{3}{4}$ of a cent on our tax rate. With no further questions forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

With respect to item “e”, Mayor Pro Tem Kimrey asked Mr. Maness how the federal government could owe the City of Graham tax money on real estate. Mr. Maness guessed there might have been an acquisition, potentially a foreclosure, for a property that remained taxable at the time they gained ownership. With no further questions forthcoming, Mayor Pro Tem Kimrey made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Griffin McClure. All voted in favor of the motion.

With respect to item “g”, Council Member Wiggins stated that she believes there may be another memorandum of understating already in place for this facility – possibly with the City of Burlington. She asked that staff look into that. She also expressed concern with moving inmates from a secured facility to an unsecured facility. Mayor Pro Tem Kimrey stated that he would like to see an exit clause included in the agreement. With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to postpone this agenda item until next month’s meeting, seconded by Council Member Wiggins. All voted in favor of the motion.

Mr. Tom Boney of the Alamance News stepped forward and asked about item “f” on the Consent Agenda. He inquired as to its origin, how long the City had it and who took action to remove it. Mayor Peterman advised that Elon College was the original owner. The City received the printing press and placed it in the museum. Council Member Wiggins confirmed that by an official vote, the current Historical Museum Advisory Board made the suggestion to the City Council to give it back to Elon College.

Requests and Petitions from Citizens:

a. Encroachment License Agreement Request by John Zheng for a proposed grease trap at 139 West Elm Street

Assistant City Manager Aaron Holland explained that John Zheng has submitted a written request and supporting photos for a proposed grease trap to be installed within the sidewalk at 139 W. Elm Street. He added that the intent of the grease trap is to serve a future restaurant at the location. Additionally, an encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City’s Code of Ordinances. Mr. Holland stated that City staff has met and concurs with the proposed location of the grease trap and Historic Resources Commission approval is not required for this installation. He further added that there is a nominal expense to the City for costs associated with processing and monitoring the license and advised that staff recommends approval.

Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with John Zheng for a proposed grease trap at 139 W. Elm Street as identified by the submitted photos with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.

- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

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

b. Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901):

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

Mr. Holland advised that this is a corrective measure to the approved annexation request submitted by Shugart Homes at last month's meeting. Approval was subsequently rescinded due to the sale of the property by Shugart to Clayton Properties Group. The City has received a request to annex in 111.44 acres on Rogers Road. Tonight's requested action is the first step in a multiple step annexation process.

Council Member Turner asked if there had been any changes to the request, other than the petitioner. Mr. Holland stated there had not. With no further comments forthcoming, Council Member McClure made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a 111.44 acre area on Rogers Road, seconded by Council Member Wiggins.

Council Member McClure made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 111.44 acre area on Rogers Road, the date being September 3, 2019. Council Member Turner seconded the motion and all voted in favor of the motion.

<p><u>RESOLUTION DIRECTING THE CLERK TO INVESTIGATE</u> <u>A PETITION RECEIVED UNDER G.S. 160A-31</u> <u>FOR A 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)</u></p>
<p>WHEREAS, a petition requesting annexation of an area described in said petition was received on July 31, 2019, by the Graham City Council; and</p>
<p>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</p>
<p>WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.</p>
<p>NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Graham:</p>
<p>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.</p>

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A 111.44 ACRE AREA OFF ROGERS ROAD (AN1901)

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 3, 2019.

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE

- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
 (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
 (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
 (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
 (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
 (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
 (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE
 (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
 (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
 (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
 (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
 (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
 (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
 (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
 (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
 (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
 (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
 (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
 (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
 (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
 (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
 (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
 (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
 (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
 (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
 (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
 (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

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

Boyd Creek Pump Station:

- a. Approve Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Lift Station***
- b. Approve Amendment #3 to the Boyd Creek Lift Station Project Ordinance***
- c. Award contract for the Boyd Creek Lift Station to Haren Construction Company, Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City***

Mr. Maness advised that the Boyd Creek Lift Station was originally constructed in 1959 and serves a significant portion of wastewater generated from the northwest section of the City. The age of the station, its susceptibility to flooding and the inability to find replacement parts serves as a great risk to the City's collection system and environment. He added that in August of 2017, the City was awarded \$612,500 in grant funds and \$1,837,500 in zero interest loan funds. Mr. Maness informed Council that just today, the Local Government Commission approved the City for an additional \$800,000 in zero interest loan funds to be used for this project. The City conducted two rounds of bidding with the low bid of \$2,763,000 received from Haren Construction. The proposed unit price contract is for 270 days and includes the construction of a new 700 GPM lift station, new bar screen, approximately 500 LF of 18" gravity sewer, and 350 LF of 10" force main.

Council Members and staff briefly discussed the project. Among the areas of discussion were the start date and overall length of the project, penalties for not completing the project on time, payment schedule, impact on the collection system, Haren Construction Company's reputation and awarding the unit price contract.

With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor. Ms. Janice McSherry of 1047 Valley Drive Graham stepped forward to inquire about the specifics of a unit price contract. She expressed concern with escalation costs should the company hit rock. Mr. Maness advised that the City generally does have a contingency in the event a unit price contract exceeds the contract amount.

Mr. Boney stepped forward and asked what the start date would be. Mr. Maness stated that the start date would not begin until the notice to proceed has been issued. He added that happens after the pre-construction meeting has taken place and after various documents related to the project have been signed.

With no further comments forthcoming, Council Member Wiggins made a motion to approve the Resolution Accepting Grant and Loan Assistance from The State of North Carolina for Construction of the Boyd Creek Lift Station, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey made a motion to approve Amendment #3 to the Boyd Creek Lift Station Project Ordinance, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Wiggins made a motion to award the contract for the Boyd Creek Lift Station to Haren Construction Company, Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

RESOLUTION ACCEPTING GRANT AND LOAN ASSISTANCE FROM THE STATE OF NORTH CAROLINA FOR CONSTRUCTION OF THE BOYD CREEK LIFT STATION

WHEREAS, The North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing wastewater treatment works, wastewater collection systems, water supply systems and water conservation projects; and

WHEREAS, The North Carolina Department of Environmental Quality previously offered a State (SRP) loan in the amount of \$1,837,500 and grant in the amount of \$612,500 from the Water Infrastructure Fund; and

WHEREAS, The City requested an additional \$800,000 in (SRP) loan funds and the North Carolina Department of Environmental Quality has now offered a State (SRP) loan in the amount of \$2,637,500; and

WHEREAS, The City of Graham intends to construct a sewer collection system project described as the replacement of the Boyd Creek Lift Station in accordance with the approved plans and specifications

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

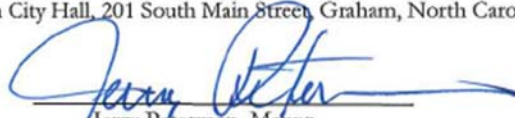
That City of Graham does hereby accept the State (SRP) loan in the total amount of \$2,637,500 and grant in the amount of \$612,500 from the Water Infrastructure Fund.

That the City of Graham does hereby give assurance to the North Carolina Department of Environmental Quality that all items specified in the loan and grant offer, Section II-Assurances will be adhered to.

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

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

Adopted this the 6th day of August, 2019 at Graham City Hall, 201 South Main Street, Graham, North Carolina.


Jerry Peterman, Mayor

ATTEST:



CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the 6 day of AUGUST, 2019; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this - 6 day of AUGUST, 2019.


Darcy Sperry, City Clerk



**AMENDMENT #3 CAPITAL PROJECT ORDINANCE
BOYD CREEK LIFT STATION**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby amended:

- Section 1. The Project authorized is Boyd Creek Lift Station.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Water/Sewer Fund Balance	\$712,000
State SRP Loan	\$2,637,500
State SRP Grant	<u>\$612,500</u>
	\$3,962,000

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

Professional Services	\$220,000
Back Creek #2 Construction	\$430,000
Boyd Creek Lift Station Construction	\$3,250,000
Loan Fees	<u>\$62,000</u>
	\$3,962,000

- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. That this ordinance shall take effect upon passage.

This the 6th day of August, 2019.


 Jerry Peterman - Mayor

ATTEST:


 Darcy Sperry, City Clerk



Downtown Small Area Plan Update:

Mr. Maness presented Council with an overview of how we got here, where we go from here and what we have not seen concerning the Downtown Small Area Plan. He explained that this has been in the works for approximately five years, beginning with the Graham 2035 Comprehensive Plan. The plan balances many different issues: safety, hydrology, infill development and redevelopment, stormwater infrastructure or lack thereof, parking, commercial traffic, water & sewer infrastructure, accessibility, fire protection, aesthetics and walkability. Mr. Maness explained that last year, the NCDOT submitted their resurfacing schedule to the City. Recognizing we have aging infrastructure and other issues in the downtown area, at the City's request, NCDOT agreed to delay resurfacing project.

Mr. Maness advised that there has not yet been a plan submitted to the City. He anticipates the City will receive a draft copy of the plan sometime this month. At that time, the proposed draft plan will be reviewed and then submitted to Council for approval. Mr. Maness added that the most significant portion of the forthcoming plan is getting little if any attention. That is to provide us with an understanding of the needs surrounding our critical infrastructure that includes a rational and sequential approach to improvements that balances the issues previously mentioned. Mr. Maness stated this it is his opinion that if we lose sight of and fail to maintain critical infrastructure, nothing else matters. He stated things are more cost effective and efficient when addressed with a holistic approach. He once again reminded everyone that we have not seen a draft plan, fiscal notes, phasing plan, regulatory suggestions or requirements, nor has there been a staff critique.

Council Members spent time asking Mr. Maness about parking spaces affected by ADA compliance, sewer service in the downtown area, the cost benefit to the City by getting out ahead of NCDOT's resurfacing project and their timeline, and overall fire safety in the downtown area. Graham Fire Chief Tommy Cole and Council Members discussed flow testing requirements for the fire hydrants located downtown and the placement of fire hydrants in that area.

Mr. Boney stepped forward and expressed concern with the lack of a written report, yet the City advertised a "reveal" for the plan. He also expressed concern with the slides shown at the "reveal" differing from what was presented tonight concerning infrastructure. Mayor Peterman advised that the report is not done yet and we are giving the consultants time to submit a plan. He also reiterated that the whole reason for this plan was to slow down NCDOT's paving schedule. Mayor Pro Tem Kimrey reminded everyone that this plan was a requirement by NCDOT and could save the City of Graham hundreds of thousands of dollars by replacing old infrastructure before paving occurs. Mr. Boney asked if there is any expectation that NCDOT will be paying for any of the infrastructure improvements. Mr. Maness stated that traditionally, they do not pay for water and sewer. He did state that there might be a possibility for financial assistance with stormwater/sewer.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and stated he does not believe there is an issue with the infrastructure in the downtown area.

Issues Not on Tonight's Agenda:

The following individuals expressed concern with the Downtown Small Area Plan:

Judy Ward – 483 W. Moore St. Graham	Ronnie James – 1619 Wedgewood Dr. Graham
Wendy Cates – 618 Tranquil Ct. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Patrick Miller – 716 Trollinger Rd. Graham	Travers Webb – 619 E. Harden St. Graham
Janice McSherry – 1047 Valley Dr. Graham	Chuck Talley – 808 Sideview St. Graham
Shelly White – 111 N. Main St. Graham	Lucas Green – Petty Rd. Graham
Jennifer Talley – 808 Sideview St. Graham	Ben Barnhill – 404 Forest Dr. Graham
Jill Bullis – 500 Wildwood Ln. Graham	Roger Ausley – 300 S. Main St. Graham
Darlene Morgan – 10 NE Ct. Sq. Graham	Richard Shevlin – 510 Wildwood Ln. Graham
Tom Boney – Alamance News	Sharon Boger – 924 Hillcrest Ave. Graham
Nikki Smith – 402 S. Maple St. Graham	Jason Varner – 801 N. Main St. Graham

Mrs. Talley presented Council with signed petition sheets titled: “Support our local Businesses; They need to keep their loading zones & existing pull in parking”. Additionally, she passed out a packet that included various pictures and ideas of what she would like to see.

Downtown Development Coordinator Mary Faucette updated Council on a letter recently received from the North Carolina Main Street Organization. The letter indicated that they are waiting for the budget to pass before selecting and awarding funds within the Downtown Associate Community Programs.

Council Member McClure addressed the conceptual drawings for the Small Downtown Area Plan. He stated that as a downtown business owner, parking and loading zones are important to him. He expressed concern with the phrasing used for the unveiling of the plan, stating we may have not gotten that right. He reminded everyone that what people have seen are conceptual drawings by third party consultants. Council Member McClure stated that there are pedestrian aspects of this plan that he likes, specifically mentioning condensing roadways, slowing down traffic, streetscape, walkability and encouraging people to walk from business to business.

Mayor Pro Tem Kimrey agreed with Council Member McClure’s comments about the phrasing of the plan reveal. He stated that this is a legislative process in which this Council is going to make fit our community. Pro Tem Kimrey stated that this Council is not going to do anything that will intentionally hurt business. He added that we cannot continue to grow in the downtown area without infrastructure improvements.

At 8:59 p.m., Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

Darcy Sperry, City Clerk