

**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, JANUARY 4, 2016  
5:00 P.M.**

The City Council of the City of Graham met in special session at 5:00 p.m. on Monday, January 4, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner

Mayor Jerry Peterman called the meeting to order and presided at 5:00 p.m.

Council Members and staff discussed the order of items on the agenda. By consensus, it was determined that some of the agenda items will be re-ordered and an amended agenda will be provided. Staff discussed the various agenda items and general discussion ensued.

With no further business to discuss, Mayor Pro Tem Jimmy Linens made a motion to adjourn at 6:17 p.m., seconded by Council Member Chip Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, January 5, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Sandra King, Finance Officer  
Melody Wiggins, Recreation and Parks Director  
Duane Flood, Lieutenant Graham Police Dept.  
Becky Loy, Cobb Ezekiel Loy & Company

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

**Consent Agenda:**

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

CITY OF GRAHAM RELEASE ACCOUNTS						
JANUARY COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
435049	2015	804	BOWMAN, MAC DONALD	PP	SOLD BOAT TO DEALERSHIP TWO YEARS AGO	10.87

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

*e. Boards and Commissions Appointments*

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

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

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

**Recommendations from Planning Board**

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

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

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

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

Mayor Peterman opened the Public Hearing.

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

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

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

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

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

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

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

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

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

### **Bids for Graham Recreation Complex Phase I**

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

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

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

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

### **Audit Presentation**

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

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

### **Text Amendments for the City of Graham Development Ordinance:**

#### ***a. Electronic Billboards (AM1501)***

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

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

Council Member Kimrey made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: Safety for the citizens of Graham, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

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

**Current text;**

- i. [Reserved.]

**Proposed text;**

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

#### ***b. Construction Surety (AM1502)***

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

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

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

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

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

- b.) Amount

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

***c. Parking Maximums (AM1505)***

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

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

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

#### **Section 10.240                      Off-street parking**

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

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



(f) Parked vehicles shall not block pedestrian walkways.

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

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

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

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

***d. Handicapped Parking (AM1504)***

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

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

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

## 10.240.b.1

## ACCESSIBLE PARKING SPACES

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

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

***c. Sidewalk Payment-in-Lieu (AM1506)***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted this 5<sup>th</sup> day of January 2016.

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

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

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

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

Mayor Peterman recognized the passing of Mr. Bill Sizemore.

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

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
THURSDAY, JANUARY 14, 2016  
8:30 A.M.**

The City Council of the City of Graham met in special session at 8:30 a.m. on Thursday, January 14, 2016, in the Conference Room and Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk

**Council Members Absent:**

Council Member Chip Turner

Mayor Jerry Peterman called the meeting to order and presided at 8:30 a.m.

City Manager Frankie Maness welcomed everyone and gave a brief overview of what was planned for the day. He advised that the purpose of this meeting was to have Council Members tour the City's facilities, see some of the City's special projects and hopefully come away with a better understanding of what his perception of City government is all about – preserving public safety and public health.

Following Mr. Maness' opening remarks, Council Members and staff toured the City's Municipal Building, Fire Department and Police Department. Council Members and staff then left for a windshield tour of the Boyd Creek Pump Station, City Farm, Jim Minor Road Park, North Carolina Commerce Park and the Graham-Mebane Water Treatment Plant.

Council Members and staff then stopped at the Graham Recreation Center, where they joined the seniors and staff from the Alamance Community Services program for lunch and took a tour of the center.

Council Members and staff then drove through Linwood Cemetery before stopping to tour the Public Works Department. Council Members and staff then drove through the Graham Memorial Park and stopped and toured the Graham Wastewater Treatment Plant.

Following their arrival back at the Graham Municipal Building, Mayor Peterman made a motion to adjourn at 3:49 p.m., seconded by Council Member Lee Kimrey. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, FEBRUARY 1, 2016  
5:00 P.M.**

The City Council of the City of Graham met in special session at 5:00 p.m. on Monday, February 1, 2016, in the Conference Room of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner

Mayor Jerry Peterman called the meeting to order and presided at 5:00 p.m.

Council Members and staff discussed the items on the agenda. With no objections, the agenda items will remain in the order proposed. Staff summarized the various agenda items and general discussion ensued.

Mr. Tom Boney, of the Alamance News, questioned the legality of Council discussing public hearing items at the agenda meetings. Mayor Peterman encouraged Mr. Boney to ask this question at tomorrow's regular session meeting when City Attorney Keith Whited could advise.

With no further business to discuss, Council Member Lee Kimrey made a motion to adjourn at 5:47 p.m., seconded by Council Member Chip Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk



**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, FEBRUARY 2, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 2, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Keith Whited, City Attorney  
Melody Wiggins, Recreation and Parks Director


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

**Consent Agenda:**

- a. Approval of Minutes – January 5, 2016 Regular Session*
- b. Approval of Minutes – January 14, 2016 Special Session*
- c. Approval of Minutes – February 1, 2016 Special Session*
- d. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
FEBRUARY COUNCIL MEETING						
<u>ACCT#</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
251037	2015	4935	MCVEY, CURT STEVEN	PP	SOLD BOAT PRIOR TO JAN 1	9.66
597522	2015	4063	KELLY, JOSHUA ALLEN	PP	SOLD BOAT PRIOR TO JAN 1	3.53

*e. Tax Collector's Mid-Year Report*

<b>City of Graham</b> P.O. Drawer 357 201 South Main Street Graham, North Carolina 27253 Tel: (336) 570-6700 / Fax: (336) 570-6703			
<b>MID YEAR REPORT</b> January 27, 2016			
	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	935,425,833	0.455	4,256,189.50
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	913,021		4,154.27
<u>ANNEXATIONS:</u>			
	69,817		317.67
<u>ABATEMENTS:</u>			
	(590,176)		(2,685.78)
CURRENT LEVY	935,818,495		4,257,975.66
OUTSTANDING REAL PROPERTY TAXES:			281,020.53
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>50,281.09</u>
TOTAL OUTSTANDING TAXES			331,301.62
CURRENT YEAR TAXES COLLECTED:			3,926,674.04
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			92.22%
I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 17, 2016 IN THE ALAMANCE NEWS, COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.			
Submitted by Sandy P. Callahan, Tax Collector 			

*f. Tax Collector's Debt Set-Off Report*

Mayor Peterman asked the Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Lee Kimrey asked to pull item “f. Tax Collector’s Debt Set-Off Report.”

Council Member Chip Turner made a motion to approve items “a” thru “e” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Mayor Peterman asked City Manager Frankie Maness to go over the report. Mr. Maness explained that the debt set-off program is the system of debt collections thru the state of North Carolina and a clearinghouse in which we have been using for approximately twelve (12) years. He further explained that utility debts in excess of fifty dollars (\$50) can be submitted and then garnished from wages and lottery winnings. Council Member Kimrey asked at what point we submit a debt to the state and who absorbs the cost for collection. Mr. Maness advised that we submit this annually and that anyone with a utility debt of more than ninety (90) days is included and the cost is paid by the debtor.

With no further discussion, Council Member Kimrey made a motion to approve item “f. Tax Collector’s Debt Set-Off Report”, seconded by Council Member McClure. All voted in favor of the motion.

## **Old Business:**

### ***b. Public Hearing: Text Amendment for the City of Graham Development Ordinance, requested by ESA Renewables and Staff to add Solar Farms (AM1508)***

City Planner Nathan Page explained that this is an amendment to our Development Ordinance to permit a Solar Farm as a use by right in the light and heavy industrial zones and conditionally approved everywhere else with approval from Council. In addition, Mr. Page added that this item was continued from last month's regular session meeting. He highlighted the proposed Decommissioning Plan and at the Council's request, provided information as to what neighboring municipalities and counties have set as standards for Solar Farms.

Council Members and Staff discussed noise levels/Ordinances, the Decommissioning Plan, proposed setback requirements, planting yards and standards set by neighboring jurisdictions.

Mayor Peterman opened the Public Hearing.

Mr. Tom Boney, of the Alamance News, expressed concern with Council discussing this Public Hearing agenda item at the Special Session Agenda Meeting held on Monday, February 1, 2016. Mayor Peterman deferred to City Attorney Keith Whited for an answer. Mr. Whited stated that as long as public notice was given for the Agenda Meeting, it is legal for Council to discuss public hearing items. He added that the purpose of this public hearing is for the Council to hear the public, not for the public to hear the Council. Mayor Peterman stated that he will be mindful of Mr. Boney's concern and will limit discussion at future scheduled agenda meetings. Mr. Boney also presented a public records request to Mr. Maness for all correspondence between the City and ESA Renewables for this particular agenda item.

With no further discussion, Mayor Peterman closed the Public Hearing. Council Member Kimrey made the motion that the text amendment be approved with the following condition:

- 100 foot setback from the property line when located next to a Residentially Zoned property or property with a Residential Use;

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that the action is reasonable and in the public interest for the following reasons: It attracts green industry. We are working to attract environmentally responsible companies and foster growth in green industries in Graham. Permitting Solar Farms in this location, with these regulations, will allow green industry to develop while still protecting the interests of neighboring properties. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Upon request from Mr. Harold Owen of the Burlington Animal Shelter Replacement Study Committee, Mayor Peterman announced that the Elm Street Phase I Sidewalk Project would be the next agenda item to be discussed.

### **Phase I Elm Street Sidewalk Project:**

Mr. Mark Reich of the City's engineering firm Alley, Williams, Carmen & King advised that seven (7) bids were received for this project. He added that the low bid of \$131,281.73 was submitted by Sandhills Contractors, Inc. of Sanford, North Carolina. Mr. Reich further added this contractor met the DBE goal of eight percent (8%) as required by the North Carolina Department of Transportation (NCDOT). He advised that the Municipal Agreement Graham has with NCDOT provides funding in the amount of \$100,000 for construction of the project and that the City would be responsible for funding in excess of \$100,000 and for CEI services. Mr. Reich recommended Council award the contract to Sandhills Contractors, Inc.

Council Members and Staff discussed with Mr. Reich factors such as cost, NCDOT construction standards, infrastructure and time frame in which this phase would be completed.

#### ***a. Award Contract***

Mayor Pro Tem Linens made the motion that we award the contract to the low bidder, Sandhills Contractors, Inc. of Sanford, North Carolina in the amount of \$131,281.73 subject to concurring approval from NCDOT for Phase I Elm Street Sidewalk Improvement Project, seconded by Council Member McClure. All voted in favor of the motion.

#### ***b. Approve Budget Amendment***

Mr. Maness advised that to complete the Phase 1 Elm Street Sidewalk Project, it is necessary to amend our operating budget to account for the revenue and expenses. The funding for the project is derived from two sources; a NCDOT grant in the amount of \$100,000 and funds from the City's Sidewalk Payment in Lieu of program in the amount of \$65,000. He added that the amendment is anticipated to increase total General Fund expenditures by \$165,000 for FY 2015-2016. Use of funds from the Sidewalk Payment in Lieu of account will leave a balance of \$1,798 remaining.

Council Member Kimrey made the motion that we approve the Amendment to the Fiscal Year 2015-2016 Budget Ordinance for Phase I Elm Street Sidewalk Project, seconded by Council Member Turner. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2015 - 2016 Budget Ordinance shall be and is hereby amended as follows:

<b>Section 1: General Fund Expenditures</b>			
	APPROVED	AMENDED	DIFFERENCE
NCDOT Grant	0	100,000	100,000
Sidewalk Payment in Lieu Funds	0	65,000	65,000
<b>Section 2: General Fund Revenues</b>			
Elm Street Sidewalk	0	165,000	165,000

This the 2nd day of February, 2016.

  
 Jerry Peterman -  
 Mayor

### **Update on Burlington Animal Services**

Mr. Owen provided an update on the Animal Services Facility Renovation/Expansion Project. He stressed that animal holding space remains critically inadequate at the shelter for both dogs and cats, despite declining intake numbers. Mr. Owen added that the recommendation of a facility needs assessment, completed by an independent specialized firm, and the Shelter Replacement Study Committee is to renovate and expand the existing adoption center to bring all animal services operations under one roof. He highlighted the following:

- Renovation/Expansion will be less costly and have more benefit than a separate new building
- Consolidation of operations into one facility will increase quality and efficiency of operations, reduce maintenance/utility costs
- Ensures adequate and appropriate spaces for animals as well as staff for the next twenty (20) years
- Facilitates customer oriented approach to services and encourages community involvement

Mr. Owen advised that the total projected cost is approximately \$5.25 million. The cost breakdown is as follows:

- \$750,000 in private donations has been committed by the Pet Adoption and Welfare Society (PAWS)
- \$4,500,000 will be funded by public dollars
- It is proposed that Alamance County will assume responsibility for the required bond and municipalities will make annual payments based on population. Alamance County would be responsible for the balance of the debt service beyond per capita municipal contributions

Council Members discussed with Mr. Owen Graham's proposed share of the cost, which is estimated to be approximately \$415,000 or \$30,000 for twenty (20) years, as well as staffing and infrastructure for a new facility. Mayor Pro Tem Linens expressed concern over the residents of participating municipality's being double charged, as they pay both City and County taxes.

Ms. Joyce Ripka, 509 Adil Court Graham, urged Council to support this project. She indicated that it is her belief that the reason the intake numbers have declined is because of the increase in animal rescue groups.

### **Amendments to the 2015-2016 Rates and Fee Schedule:**

Recreation and Parks Director Melody Wiggins explained that the Alamance Burlington School System's 2015-2016 and 2016-2017 school calendars have created a longer summer break. The addition of ten (10) week and six (6) week fees will give families affordable options to ensure complete summer care. In addition, Ms. Wiggins advised that due to public request, she is proposing a new Canoe and Kayak Rental Fee Structure for the Graham-Mebane Lake. Lastly, Ms. Wiggins asked Council to approve the proposed changes to the 2015-2016 Rates and Fee Schedule as presented.

Council Members and Staff discussed life preservers and rental agreements coverage of damages.

**a. Approve the Addition of Ten-Week and Six-Week Sessions to the Graham Recreation and Parks Summer Day Camp Program**


Mayor Pro Tem Linens made the motion to amend the 2015-2016 Rates and Fee Schedule to include fee options for ten (10) weeks and six (6) weeks for the Graham Recreation and Park's Summer Day Camp Program, seconded by Council Member McClure. All voted in favor of the motion.

**b. Approve New Canoe and Kayak Rental Fees for the Graham-Mebane Lake**

Council Member McClure made the motion to amend the 2015-2016 Rates and Fee Schedule to include the new fees for the Canoe/Kayak Rental Program at the Graham-Mebane Lake as presented, seconded by Council Member Kimrey. All voted in favor of the motion.

**c. Approve Text Amendments to the Graham Recreation and Parks Fee Schedule**

Council Member Kimrey made the motion to amend the 2015-2016 Rates and Fee Schedule as presented, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

<b>Section 5-5 Summer Day Camp</b>  Summer Day Camp operates on a schedule of Monday - Friday, 7:00am - 5:30pm. The camp is open to children who have completed grades K-9. All participants must register during the designated period at the Graham Recreation Center or online at <a href="http://www.grahamrecreationandparks.com">www.grahamrecreationandparks.com</a> . A deposit is due upon registration with the balance of fees due on the first day of camp.		
 <div style="text-align: right;">             City of Graham 2015-2016              Rates and Fee Schedule Page 20           </div>		
<div style="display: flex; justify-content: space-between;"> <div>             Weekly camp              Specialty Camps           </div> <div>             2 campers per group per week, if space is available              Limited to 45 campers           </div> </div>		
	<b>Summer Day Camp (grades K-8)</b>	
	<b>Resident</b>	<b>Non-Resident</b>
Ten-week	\$510 – 1 <sup>st</sup> child	\$660 – 1 <sup>st</sup> child
	\$485 – 2 <sup>nd</sup> child	\$635 – 2 <sup>nd</sup> child
	\$460 – 3 <sup>rd</sup> child	\$610 – 3 <sup>rd</sup> child
Nine-week	\$465 – 1 <sup>st</sup> child	\$600 – 1 <sup>st</sup> child
	\$440 – 2 <sup>nd</sup> child	\$575 – 2 <sup>nd</sup> child
	\$415 – 3 <sup>rd</sup> child	\$550 – 3 <sup>rd</sup> child
Six-week	\$310 – 1 <sup>st</sup> child	\$400 – 1 <sup>st</sup> child
	\$285 – 2 <sup>nd</sup> child	\$375 – 2 <sup>nd</sup> child
	\$260 – 3 <sup>rd</sup> child	\$350 – 3 <sup>rd</sup> child
Five-week	\$260 – 1 <sup>st</sup> child	\$335 – 1 <sup>st</sup> child
	\$235 – 2 <sup>nd</sup> child	\$310 – 2 <sup>nd</sup> child
	\$210 – 3 <sup>rd</sup> child	\$285 – 3 <sup>rd</sup> child
Weekly	\$60 per child	\$75 per child
Fun Day Daily	\$14 per child	\$18 per child
Day Camp Refund Policy – Refer to Section 2-2-9c		

<b>Graham-Mebane Lake</b>		
	<b>Alamance County Residents &amp; Orange County Residents within the Corporate Limits of Mebane</b>	<b>Non-Alamance County Residents</b>
Boat Launching (all types of boats including jet ski)	\$5.00 + \$2.00 per person	\$8.00 + \$2.00 per person
Boat Launching for Senior Citizens*	\$3.00 + \$1.00 per person	\$3.00 + \$1.00 per person
Bank Fishing	\$2.00	\$3.00
Bank Fishing for Senior Citizens & totally disabled*	\$1.00	\$1.00
Annual Fee (includes boat launching and daily fees for individual named)	\$60.00 per year per individual	\$85.00 per year per individual
Senior Annual Fee (includes boat launching and daily fees for individual named)*	\$50.00 per year per individual	\$60.00 per year per individual
Bass Tournament	\$20.00	\$20.00
Event Rental	\$150.00	\$150.00
Non-motorized boats (flat fee per boat)	\$5.00	\$8.00
Senior Non-motorized boats (flat fee per boat)*	\$3.00	\$3.00
Boat demonstrations by business operators*	\$1.50 + \$1.00 person	\$3.00 + \$1.00 per person
Boat demonstrations by private owners*	\$3.00 + \$1.00 person	\$6.00 + \$1.00 per person
Canoe Rental	\$15/4 hrs	Same
	\$20/8 hrs	Same
Kayak Rental (Solo)	\$12/4 hrs	Same
	\$18/8 hrs	Same
Kayak Rental (Tandem)	\$15/4 hrs	Same
	\$20/8 hrs	Same
This includes all demonstrations and potential sales, as well as maintenance runs, or maintenance on trailers, or swapping of boats and trailers. The fee is for a one hour time limit. Anything over one hour and the business owner will be charged the full amount. No business operators will be permitted on the lake when it is closed to the public. If on the water for less than thirty minutes, a private owner will be issued a rain check to return to the lake at a later date.		
*Senior fee begins at age 65		
<b>PROOF OF RESIDENCY MUST BE PRESENTED BY USER.</b>		

Mayor Peterman advised that he was moving Issues Not Included on Tonight's Agenda to the next item on the agenda prior to Council going into closed session.

### **Issues Not Included on Tonight's Agenda**

Mr. Chris Foust, 1851 S. Main Street, Graham stated that he feels that the City's new specs for road construction are unfair. Much discussion ensued with Mr. Maness explaining that this is something Staff has been looking at for several years. He added that when compared to other municipalities in the area, Graham's standards are the most relaxed. Mr. Maness advised that we currently have streets that are in need of repair after only eight (8) to ten (10) years.

**Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a):**

*(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.*

*(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

At 9:10 p.m. Mayor Pro Tem made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a): (3), (6), seconded by Council Member Kimrey. All voted in favor of the motion.

At 9:40 p.m. Mayor Peterman reconvened the regular session. Mayor Peterman explained that City Attorney Keith Whited advised Council about an issue involving an active fulltime employee of the City and that Council is not at liberty to discuss the matter.

Council Member Kimrey asked Mr. Maness for an update on the personnel policy revision. Mr. Maness advised that there has been no progress made.

Council Member Kimrey asked Mr. Maness for an update on a possible annexation agreement with Burlington. Mr. Maness advised that we have reached out to Burlington and due to Burlington being in a period of transition with their administration, they suggested we wait on this at this time.

At 9:42 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk



**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, FEBRUARY 29, 2016  
5:00 P.M.**

The City Council of the City of Graham met in special session at 5:00 p.m. on Monday, February 29, 2016, in the Conference Room of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner

Mayor Jerry Peterman called the meeting to order and presided at 5:00 p.m.

Mayor Peterman suggested that if Council Members should ask questions at this agenda meeting, they be sure to ask those same questions at tomorrow night's Council Meeting. City Manager Frankie Maness noted that the Major Subdivision Application on the agenda was incorrectly labeled as a Public Hearing. Council Members and staff proceeded to discuss the order of items on the agenda. By consensus, it was decided that agenda items Project Quarter and Graham Recreation Complex would be moved and take place prior to the Public Hearing for the Text Amendments to the Development Ordinances. Council Members unanimously agreed to request that Mayor Peterman be appointed to the Alamance County Community Services Board of Directors. Staff summarized the various agenda items and general discussion ensued.

With no further business to discuss, Council Member Griffin McClure made a motion to adjourn at 5:56 p.m., seconded by Council Member Chip Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, MARCH 1, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, March 1, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Keith Whited, City Attorney  
Melody Wiggins, Recreation and Parks Director  
John Andrews, Fire Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Rev. Darryl Peebles of the Historic Providence Christian Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Honorary Resolutions, Proclamations and Recognitions:**

➤ ***Resolution of Commendation and Appreciation***

Mayor Jerry Peterman presented Mr. Scott Pickard with a gift from the City of Graham and thanked him for his thirty (30) plus years of service to the City of Graham. City Manager Frankie Maness also thanked Mr. Pickard for his dedication and service to the City. Mr. Pickard stated that he was fortunate to have worked with such wonderful people over the past thirty (30) years.

**RESOLUTION OF COMMENDATION AND APPRECIATION TO  
SCOTT PICKARD  
FOR HIS SERVICE TO THE CITY OF GRAHAM**

**WHEREAS**, Scott Pickard diligently served the City of Graham Wastewater Treatment Plant from August 1, 1985 until February 29, 2016; and

**WHEREAS**, Scott retired as the Pretreatment Coordinator from the City of Graham on February 29, 2016 with over 30 years of service; and

**WHEREAS**, his wisdom, care and dedication to environmental sciences and public health have commanded the utmost respect from his colleagues and peers; and

**WHEREAS**, it is the desire of the City Council to extend their deepest appreciation to Scott for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

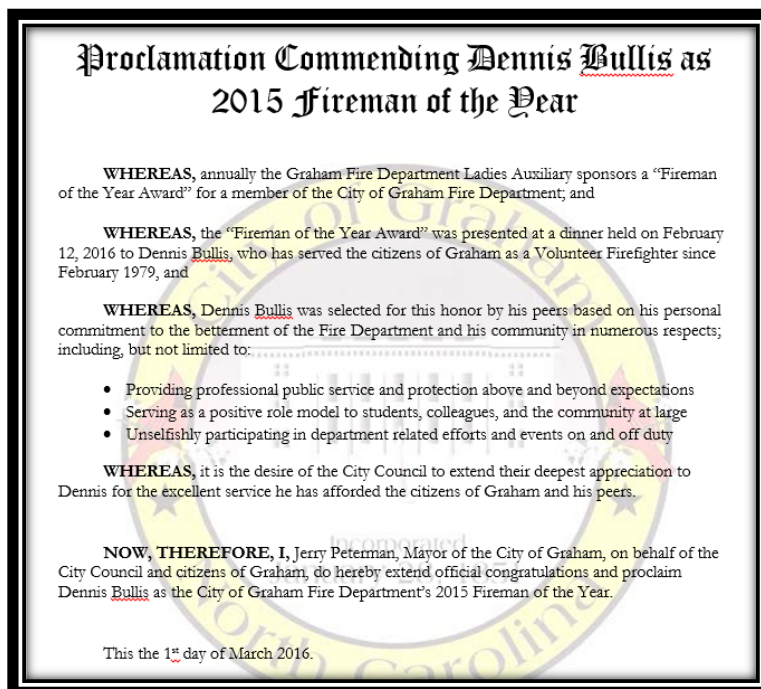
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:** Scott be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER RESOLVED THAT:** an expression of appreciation be extended to Mr. Scott Pickard in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

This the 1<sup>st</sup> day of March 2016.

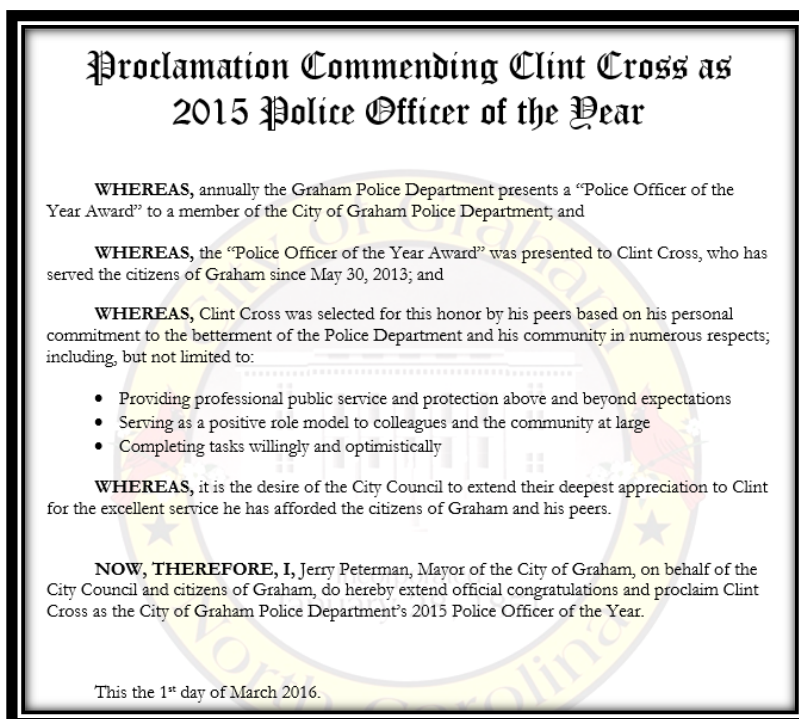
➤ ***2015 Fireman of the Year***

Mayor Peterman presented a proclamation to Mr. Dennis Bullis recognizing him as the 2015 Graham Fire Department's Fireman of the Year. Graham Fire Chief John Andrews thanked Mr. Bullis for his service.



➤ ***2015 Police Officer of the Year***

Mayor Peterman presented a proclamation to Mr. Clint Cross recognizing him as the 2015 Graham Police Department's Police Officer of the Year. Mr. Cross thanked the Council and his peers for this honour.




**Consent Agenda:**

- a. Approval of Minutes – February 2, 2016 Regular Session*
- b. Approval of Minutes – February 29, 2016 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
MARCH COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
11892	2015	4105	KEYSTONE GROUP INC	RE	EXEMPT COMMON AREA	336.30
11892	2015	4106	KEYSTONE GROUP INC	RE	EXEMPT COMMON AREA	91.00
536611	2013	4766	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	28.56
536611	2014	4739	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	27.58
536611	2015	4523	LUNSFORD, MELISSA SHANNON	PP	DID NOT OWN MOBILE HOME	26.38
644519	2015	1845	COYLE, JAMES COLEMAN	PP	DID NOT OWN BOAT JANUARY 2015	20.47

*d. Boards and Commissions*

- i. Appointment to Recreation Commission*
- ii. Removal from Appearance Commission*

<h2 style="margin: 0;">Memorandum</h2>														
<b>To:</b> Graham City Council <b>cc:</b> Frankie Maness <b>From:</b> Darcy Sperry <b>Date:</b> 3/1/2016 <b>Re:</b> Boards and Commissions Requests for Appointments & Removals														
<p><b><u>New Appointment</u></b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%; text-align: left;"><u>Board</u></th> <th style="width: 35%; text-align: left;"><u>Name</u></th> <th style="width: 30%; text-align: left;"><u>Term Expiration Date</u></th> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">Graham Recreation Commission</td> <td style="border: 1px solid black; padding: 2px;">Gordon Miller</td> <td style="border: 1px solid black; padding: 2px;">6/30/2018</td> </tr> </table> <p><b><u>Removal Request</u></b></p> <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%; text-align: left;"><u>Board</u></th> <th style="width: 35%; text-align: left;"><u>Name</u></th> <th style="width: 30%; text-align: left;"><u>Effective Date</u></th> </tr> <tr> <td style="border: 1px solid black; padding: 2px;">Graham Appearance Commission</td> <td style="border: 1px solid black; padding: 2px;">Bonnie Hutchinson</td> <td style="border: 1px solid black; padding: 2px;">3/1/2016</td> </tr> </table>			<u>Board</u>	<u>Name</u>	<u>Term Expiration Date</u>	Graham Recreation Commission	Gordon Miller	6/30/2018	<u>Board</u>	<u>Name</u>	<u>Effective Date</u>	Graham Appearance Commission	Bonnie Hutchinson	3/1/2016
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Graham Appearance Commission	Bonnie Hutchinson	3/1/2016												

- e. Approve Accounting Services Contract with Cobb, Ezekiel, Loy & Company, P.A.*
- f. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*

Mayor Peterman asked that item “c. Tax Releases” be pulled from the Consent Agenda. He then asked the other Council Members if they would like to pull any item(s). Council Member Lee Kimrey asked to pull item “a. Approval of Minutes – February 2, 2016 Regular Session.”

Council Member Chip Turner made a motion to approve items “b”, “d”, “e” and “f” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Council Member Kimrey questioned City Clerk Darcy Sperry about the one hundred (100) foot setback requirement with regards to the Text Amendment to permit Solar Farms. Ms. Sperry stated that after Council discussion about whether or not they should require a seventy-five (75) foot or a one hundred (100) foot setback, Council Member Kimrey's final motion included the one hundred (100) foot setback requirement. Council Members confirmed Ms. Sperry's recollection of events.

Mayor Peterman asked Mr. Maness to go over item "c". Mr. Maness explained how property taxes for common area non-profit homeowners associations is computed.

With no further discussion, Council Member Griffin McClure made a motion to approve items "a" and "c" on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

### **Requests and Petitions of Citizens:**

#### ***a. Alamance County Community Services Agency***

Alamance County Community Services Agency Director Ms. Wendy Covington gave a brief overview of their program, highlighting the Agency's commitment to moving people from poverty to economic self-sufficiency through the provision of technical, informational and support services. She advised Council that they will be expanding their Board of Directors and would like for someone from the Graham City Council to be recommended for appointment. Mayor Pro Tem Linens made a motion to recommend Mayor Peterman for appointment, seconded by Council Member McClure. All voted in favor of the motion. Ms. Sperry will send a letter of recommendation to Ms. Covington.

### **Recommendations from Planning Board:**

#### ***a. Public Hearing: Melville Residences (CR1601)***

City Planner Nathan Page advised Council that this application had been withdrawn on February 16, 2016 and asked Council to accept the withdrawal request.

Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing. Council Member Kimrey made a motion to accept the withdrawal, seconded by Council Member Turner. All voted in favor of the motion.

#### ***b. Public Hearing: Gilbreath B-2 (RZ1601)***

Mr. Page advised Council that this application had been withdrawn on February 17, 2016 and asked Council to accept the withdrawal request.

Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing. Council Member Turner made a motion to accept the withdrawal, seconded by Council Member McClure. All voted in favor of the motion.

#### ***c. Forks of the Alamance (S1502)***

Mr. Page explained that this request is to allow one hundred and one (101) new lots on property on Rogers Rd.

Council Member Kimrey inquired about stub streets and access to the property behind the subdivision. Mr. Page advised that the developer has agreed to put another stub street on parcel 44, although they have not yet resubmitted plans for TRC review. With no further discussion, Mayor Peterman opened the public hearing.

Mr. David Michaels, 5603 New Garden Village Drive, Greensboro stepped forward to answer questions on behalf of Windsor Homes. He stated that this development will end up with ninety-nine (99) to one hundred (100) homes with density of approximately 1.7 units per acre. Council Members and Mr. Michaels discussed private access off Rogers Road for lots 100 and 101, grading and/or increase in elevation for lots closest to the 100 Year Floodplain, conveyance of excess property to neighboring property owner(s), DOT requested turn lanes on Rogers Road, greenway trail and the distance between the two (2) proposed entrances.

Ms. Phyllis Ryan, 2566E Rogers Road, Graham inquired about the location of the greenway trail. Recreation and Parks Director Melody Wiggins explained that the trail is built in pieces and property owners would be contacted when easements are necessary to connect the trail.

With no further discussion, Mayor Peterman closed the public hearing. Council Member Kimrey made a motion to recommend approval with the following condition:

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued

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

## **Project Quarter**

### ***a. Approve Amendment #1 Capital Project Ordinance***

Mr. Maness explained that this is a budget amendment that will appropriate an additional \$200,000 for curb and gutter improvements at the entrance of the NCCP. He added that the intent of this request is to allow for change orders to the existing contract.

Council Members and City Engineer Franz Holt of Alley, Williams, Carmen & King, discussed the change order process and its effect on the project schedule. Mr. Holt advised that even with this change order, the project is still on schedule. Further discussion ensued with regards to curb and gutters, storm water management, culvert placement, possible future driveway cuts and underground utilities.

With no further discussion, Mayor Pro Tem Linens made the motion that we approve Amendment #1 to the project budget ordinance for Project Quarter and authorize the City Manager to execute the necessary change orders, seconded by Council Member Turner. All voted in favor of the motion.

**AMENDMENT #1 CAPITAL PROJECT ORDINANCE  
PROJECT QUARTER**

**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 Project Quarter.
- 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 General Fund Balance	416,666
City of Mebane	416,667
Alamance County	416,667
Golden Leaf Grant	250,000
Rural Center Grant	500,000
Chamber of Commerce NCCP Funds	<u>200,000</u>
	\$2,200,000

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

Professional Services	240,000
Construction	<u>1,960,000</u>
	\$2,200,000

- 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 1<sup>st</sup> day of March, 2016.

***b. Approve Assignment of Project Quarter Incentive Agreement***

Mr. Maness advised that Lidl, as was anticipated, is requesting that the NCCP partners consent to the assignment of obligations under the incentive agreement from MGP Retail Consulting, LLC to Lidl US Operations, LLC.

Council Member McClure made a motion we approve the assignment of the incentive Agreement for Project Quarter from MGP Retail Consulting, LLC, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

## **Graham Recreation Complex:**

### ***a. Award Bids for Phase I***

### ***b. Approve Amendment #1 project Budget for Phase I***

Mr. Maness explained that as a result of rejecting all bids for Phase I in January 2016, we decided to separate the project into five (5) separate projects. As a result of this decision, the cost for Phase I has decreased by approximately \$600,000. Mr. Maness stated that the five (5) contracts were for grading, water, sewer, paving and building & electrical (referred to as Contracts 1-5 respectively). He added that after analyzing Contract 4 (paving), it has been determined that a cost savings of approximately \$120,000 can be realized through the use of force accounts for paving. He recommended that the bids for the paving contract be rejected. He advised that the bids received exceed the original budgeted amount of \$850,000 and he is proposing that \$150,000 in additional funding to come from the Fund Balance in the General Fund, bringing the total budget for Phase I to \$1,000,000.

Council Members, staff and Mr. Holt discussed Alley, Williams, Carmen & King acting as the project manager to ensure that works stays on schedule. In addition they discussed the total cost of the project, the requirements of the grant and estimated completion date.

Council Member Kimrey made a motion we approve Amendment #1 to the project budget ordinance for Phase I of the Jim Minor Road Park, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure made a motion we reject all bids for Contract 4 and award the contracts to the low bidders for Contracts 1, 2, 3 & 5 as follows:

Contract 1: Grading	McPherson Grading Company	\$303,900.00
Contract 2: Water	Central Builders, Inc.	\$ 44, 725.00
Contract 3: Sewer	HF Services	\$ 21,500.00
Contract 5: Building & Electrical	Isley Construction	\$263,000.00

Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Mayor Peterman advised that he was moving Issues Not Included on Tonight's Agenda to the next item on the agenda.

## **Issues Not Included on Tonight's Agenda**

Mr. Dayson Pasion, Ms. Joy Rust and Ms. Linda Kroger, teachers at the Graham Middle School, spoke of the programs offered to their students. They spoke of the recently opened innovation lab, teachers selected for the County's Teacher Leadership Academy, reading incentives for students and being recognized as an A plus Arts Magnet School. They encouraged Council Members and the community at large to visit the Graham Schools.

Ms. Joyce Ripka, 509 Adil Court, Graham urged Council to support the Animal Services Facility Renovation/Expansion Project. Council Members explained that they are looking at all costs and how it affects the Graham taxpayers.

Mr. Jim Albright, 1906 Elmwood Drive, Graham stated that he had recently read Mr. Maness' pro-active approach to funding the shelter and thanked him and Council for their efforts.



**Public Hearing: Text Amendments for the City of Graham Development Ordinances:**

***i. Future Development (AM1503)***

Mr. Page explained that this is a request to add “Future Development” to Article II. Definitions. He defined “Future Development” as:

Any Human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the city or county, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations and storage of materials.

Mr. Page added that this is of particular note to items that reference future development such as our Stormwater Ordinance. Council Members expressed concern over the reference to storage of materials and wondered if this overlaps our existing Nuisance Ordinance.

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

Council Member Kimrey asked Mayor Peterman to table this item until next month’s meeting. Mayor Peterman made a motion to table this item, seconded by Council Member Kimrey. All voted in favor of the motion.

***ii. Definition of Singular/Plural (AM1601)***

Mr. Page explained that the current definition includes the following:

Words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural number include the singular

He added that this is a request to add “unless to context of the particular usage clearly indicates otherwise” to the end of that statement. He further stated that this change is proposed because currently, the definitions are the most specific language and this innocuous bit of wording permits two houses per lot or one house to be built on two lots. As a result of this, the added clarification will align with what the intention of the Ordinance actually is.

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

Mayor Pro Tem Linens made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that the action is reasonable and in the public interest, seconded by Council Member McClure. All voted in favor of the motion.

***iii. Narrow Residential Road (AM1602)***

Mr. Page explained that our existing language for permits a twenty (20) foot wide Residential Narrow with curb and gutter. He added that according to the Fire Code, you must have twenty (20) feet of roadway. This proposed text amendment would change the Residential Narrow to not be permitted with curb and gutter and only permitted with TRC approval if the following conditions are met:

- Driveways must be 50' apart; shared driveways are permitted
- Trash trucks must be able to make all intersection turns in Autoturn.
- Trash cans must be placed on one side of the roadway
- Less than 100 total households load onto the roadway
- Parking is prohibited on both sides of the roadway
- There is sufficient on-site simultaneously accessible parking for three vehicles per dwelling unit
- There is more than one connection to the street for redundant emergency access routes (e.g. not a dead-end street)
- There are alternative, parallel routes available.

Council Members expressed concern over parking, the intent of the changes proposed, the feasibility of what's being proposed, how this affects future developers and whether or not we should repeal the Residential Narrow Ordinance altogether.

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

Council Member Turner made a motion to postpone this item to next month's meeting, seconded by Council Member Kimrey. All voted in favor of the motion.

***iv. Variance TRC (AM1604)***

Mr. Page explained that currently we require all commercial development within the City of Graham to get TRC approval. This request proposes that if someone should go before the Board of Adjustment for a variance, they must get TRC approval first.

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

Council Member Kimrey made the motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Turner. All voted in favor of the motion.

***v. Non-Conforming Structures (AM1605)***

Mr. Page explained that this proposes to clarify the non-conforming buildings in the case of duplex, townhomes or condominiums.

Council Member Kimrey inquired about the addition of "as defined by the North Carolina Building Code" to the Ordinance. Mr. Page said that a structure with a three (3) hour firewall makes it separate buildings.

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

Mayor Peterman made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest because the proposed change doesn't change the application of the Ordinance. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

***vi. Accessory Buildings (AM1606)***

Mr. Page explained that staff proposes to amend the *Development Ordinance* to permit accessory buildings to be placed in front of a structure, if they meet the setback requirement of the zoning lot.

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

Mayor Pro Tem Linens made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest because the proposed change does not change the application of the Ordinance. Council Member McClure seconded the motion and all voted in favor of the motion.

**Peak Resources:**

***a. Approve Peak Resources Grant Project Budget Amendment***

Mr. Maness explained that in July of 2015 the City Council authorized an application to the NCDOC Rural Economic Development Division Building Reuse Grant Program for Rural Health Care in the amount of \$400,000 to assist Peak Resources in the construction of a new facility at 600 N. Main Street. The grant was subsequently awarded to the City and expenditures are anticipated before the end of the current fiscal year. Therefore, our budget must be amended to account for the funds. He added that the amendment is anticipated to increase total General Fund expenditures by \$433,500 for FY 2015-2016. Peak Resources will cover administrative costs as well as the required 5% match.

With no discussion forthcoming, Council Member McClure made a motion we approve the Amendment to the Fiscal Year 2015-2016 Budget Ordinance for the Peak Resources Grant Project, seconded by Council Member Turner. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2015 - 2016 Budget Ordinance shall be and is hereby amended as follows:

<b>Section 1: General Fund Expenditures</b>			
	APPROVED	AMENDED	DIFFERENCE
Peak Resources Grant Project	0	433,500	433,500
<b>Section 2: General Fund Revenues</b>			
Rural ED Division Building Reuse Grant	0	400,000	400,000
City of Graham/Peak Resources	0	33,500	33,500

This the 1<sup>st</sup> day of March, 2016.

### **Issues Not Included on Tonight's Agenda (continued)**

Council Members discussed whether or not they need to come to a consensus on what the Council supports with regards to certain issues within the schools. Council Members decided that they would canvas the City between now and next month's meeting and then draft a Memorandum of Support.

Mayor Peterman advised that he will petition the Graham Police Chief to recommend that Mr. Wyatt Outlaw's name added to the Fallen Heroes Memorial.

At 9:50 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, MARCH 7, 2016  
12:00 P.M.**

The City Council of the City of Graham met in special session at 12:00 p.m. on Monday, March 7, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Jeff Prichard, Police Chief  
John Andrews, Fire Chief  
Tonya Mann, Utilities Director  
Terry Worth, Public Works Director  
Melody Wiggins, Recreation & Parks Director  
Sandra King, Finance Officer

Mayor Jerry Peterman called the meeting to order and presided at 12:13 p.m. Mayor Pro Tem Jimmy Linens gave the invocation.

Council Members engaged in lunch with the City Hall staff.

**Fiscal Year 2015-2016 Budget Status and Project Updates**

City Manager Frankie Maness briefly discussed the purpose of the meeting – which was to provide information about major topics that will affect the upcoming budget cycle. Mr. Maness presented an overall update on the status of the FY 2015-2016 Budget and various projects underway. He stated that generally speaking, our Budget numbers are progressing as expected. In addition, he advised that he has recently received the results from the City's Position Classification and Pay Study. He stated that in comparison to those cities and towns included in the Piedmont Triad labor market, overall Graham is at 94% of the actual average pay for the market. He recommends progression to mid-point which will bring Graham's salaries up to 97% of the actual average market.

Mr. Maness indicated that tax collection revenues are at, if not, a little above where we were last year at the same time. He added that sales tax revenue is slightly exceeding expectations and the City received what was expected from the Powell Bill. He stated that the Water & Sewer Fund numbers look to be in line with what was projected, despite several unexpected expenditures caused by broken equipment. Mr. Maness also informed Council Members that the City's Wellness Program, once again, achieved one hundred (100) percent employee participation as of December 31, 2015, leading to a five (5) percent credit in the City's insurance premium. Mr. Maness advised that we are starting to see some revenue from Project Swordfish and Project Quarter and stated that he has more optimism going into this budget year more so than previous years.

### **Discussion of 2017-2021 Capital Improvement Plan**

Assistant City Manager Aaron Holland explained the purpose of the Capital Improvement Plan (CIP) is to forecast and match projected revenues and major capital needs over a period of time. He added that Capital planning is an important management tool that strengthens the linkages between community infrastructure needs and the financial capacity of the City. Mr. Holland spoke of several areas that need attention throughout the City. He alerted Council Members to the fact that there are many costs that are State and Federally mandated and have to be paid. Mr. Maness mentioned that our old (CIP) expired last year. Council Members and Staff discussed the proposed 2017-2021 Capital Improvement Plan Summary draft. Mr. Maness advised Council that more information will be provided later in the Budget process as the two processes will run concurrent.

### **Discussion of 2016-2017 Budget with Department Heads**

Recreation and Parks Director Melody Wiggins addressed the need for renovations, door lock system and phone system upgrade for the Recreation Center and the need for new vehicles for Recreation, Graham-Mebane Lake and Athletic Facilities. In addition, she spoke about the new park and the Parks and Recreation Trust Fund (PARTF).

Police Chief Jeff Prichard highlighted the need for an additional four (4) officers, renovations to the Police Department, body cameras and three (3) new police vehicles in the upcoming FY.

Mr. Maness spoke on behalf of the Information Technology (IT) Department. He explained that we are trying to get our computers on a four (4) year replacement program, the exception being Police laptops. Mr. Holland added that a lot of the requests from IT are for backup for systems we are currently using. Mr. Maness also advised that City Hall's roof needs replaced.

Public Works Director Terry Worth identified street resurfacing and automated garbage truck replacement as his Department's biggest needs. He indicated that we are currently averaging two (2) miles of paving per year – while we should be completing four (4) miles per year. He also spoke of the need for a new storage shed, renovations to the South Park restrooms and various projects around the City. Council and Staff also discussed the condition of our current Christmas lights.

Fire Chief John Andrews advised Council that renovations to the existing fire station, a new brush truck, a new fire engine and a new vehicle for the Fire Inspector are his priorities. As in previous years, he also suggested that we seriously start the planning process for a new fire substation that will help to better serve Graham as it grows.

Utilities Director Tonya Mann discussed the need for chemical root treatment, cured in place sewer pipe lining, Staley Street sewer main relocation, new vehicle and upgrade to the phone system. She spoke of the need to replace media filters and mixers at the Graham-Mebane Water Plant.

Council Member Griffin McClure brought up the idea of looking at rebranding the City, citing the City's shortage of young professionals. Mayor Peterman stated that he feels we need to accentuate what we already have...a city designed for living.

With no further discussion, Council Member Chip Turner made a motion to adjourn at 4:51 p.m., seconded by Council Member Lee Kimrey. All voted in favor of the motion.

**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, APRIL 4, 2016  
6:00 P.M.**

The City Council of the City of Graham met in special session at 6:00 p.m. on Monday, April 4, 2016, in the Graham Middle School Auditorium located at 11 East Pine Street Graham.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Darcy Sperry, City Clerk

Leaders from the Graham Public Schools and the Alamance County community took part in a Community Forum on Education beginning at 6:00 p.m. In addition to giving a brief introduction of himself, Mayor Jerry Peterman introduced those individuals serving on the evening's panel:

- Jerry Peterman – Mayor, City of Graham
- Griffin McClure - Council Member, City of Graham
- Tracy Grayzer – President, Impact Alamance
- Heidi Norwick – President, United Way of Alamance County
- Nancy Cothren – Principal, North Graham Elementary
- Elizabeth Price – Principal, South Graham Elementary
- Patrick Hosey – Principal, Graham Middle School
- Charlotte Holmes – Principal, Graham High School
- Dr. William Harrison – Superintendent, Alamance Burlington School System
- Steve Van Pelt – Chair, Alamance Burlington School Board

Each member of the panel gave an overview of what their organization or school has done, is currently doing and plans to do to promote education. In addition to hearing of the many positive programs throughout the district, panel members unanimously identified the need for volunteers and parental involvement in our school. Concerns voiced by panel members revolved around staffing levels, poverty levels and transiency throughout Graham Schools.

The following members of the audience voiced their concerns and/or support for the proposed redistricting plans recently submitted to the Alamance Burlington School Board:

Janice McSherry  
Patty Williams  
Jay Martin

Jeanette Beaudry  
Yolanda Strickland  
Denise Heckman

Angela Hamlett

The meeting adjourned at 8:11 p.m.

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Darcy Sperry, City Clerk

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, April 5, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

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

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

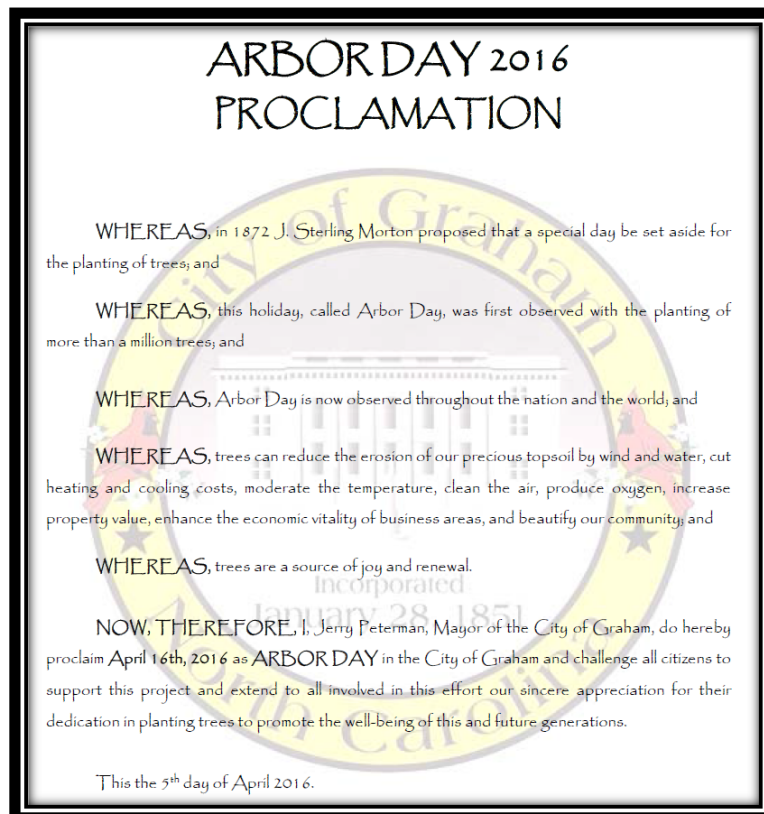
**Honorary Presentations and Proclamations:**

➤ ***Presentation by “B.O.K. Décor” – Graham Middle School Shark Tank Competition***

Mayor Peterman advised that due to a scheduling conflict, this presentation would be moved to the May 3, 2016 Council Meeting.

➤ ***2016 Arbor Day Proclamation***

Mayor Peterman presented the 2016 Arbor Day Proclamation to Ms. Elaine Murrin, Graham Appearance Commission Chairperson.





### **Consent Agenda:**

- a. Approval of Minutes – March 1, 2016 Regular Session*
- b. Approval of Minutes – March 7, 2016 Special Session*
- c. Approval of Minutes – April 4, 2016 Special Session*
- d. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
APRIL COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
146474	2014	3413	HANCOCK, JOHN LAWS	PP	SOLD BOAT 2013	10.91
146474	2014	3414	HANCOCK, JOHN LAWS	PP	SOLD BOAT MOTOR 2013	5.56
146474	2015	3219	HANCOCK, JOHN LAWS	PP	SOLD BOAT 2013	11.91
146474	2015	3220	HANCOCK, JOHN LAWS	PP	SOLD BOAT MOTOR 2013	3.88
501111	2014	6767	SHANNON, WILLIAM ALLEN	PP	BOAT LOCATED IN BURLINGTON	13.21
501111	2015	6538	SHANNON, WILLIAM ALLEN	PP	BOAT LOCATED IN BURLINGTON	13.21
552115	2014	5546	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2014	5547	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2015	5319	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
552115	2015	5320	NEESE, ANNETTE JOY	PP	JET SKI SOLD 2013	2.10
558970	2012	73	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	15.83
558970	2012	74	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	18.49
558970	2013	63	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	15.83
558970	2013	64	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	16.60
558970	2013	65	ADAMSKI, CHRISTOPHER RYAN	PP	MOVED 2011 TO VA, ALA CO NEVER SENT RELEASE	16.60
558338	2015	2460	EVERGREEN HOLDINGS GROUP	PP	LISTED IN WRONG FIRE DISTRICT	5.93
644539	2014	7250	STEINS, JERRY CHARLES	PP	DID NOT OWN BOAT JAN 1 2014	6.85
644539	2015	6960	STEINS, JERRY CHARLES	PP	DID NOT OWN BOAT JAN 1 2014	8.34
644601	2014	8297	WILLIAMS, RICKY LYNN	PP	BOAT LOCATED IN BURLINGTON	9.15
644601	2015	7987	WILLIAMS, RICKY LYNN	PP	BOAT LOCATED IN BURLINGTON	7.01
TOTAL RELEASES						187.71

- e. Request from the Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday At Seven Concert Series on May 26, 2016, June 23, 2016, July 28, 2016, August 25, 2016, September 8, 2016 and September 22, 2016*
- f. Boards & Commissions*
  - i. Appointments to Tree Board*
  - ii. Appointment to Appearance Commission*

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

### **Old Business:**

- c. **Public Hearing: Text Amendments for the City of Graham Development Ordinance***
  - i. **Future Development (AM1503)***

City Planner Nathan Page explained that this was a text amendment presented to Council last month requesting that a definition for “Future Development” to be added to the Development Ordinance. Per Council’s request last month, he researched and provided Council with definitions pertaining to “Future Development” from neighboring municipalities.

Council Member Lee Kimrey expressed concern about the definition including “storage of materials” – stating that he believes this is already covered in our Code of Ordinances Chapter 12, Article III, Sec. 12-70 – Conditions declared a nuisance. City Manager Frankie Maness advised that removing this from the definition would make a decision less legislative and more discretionary and encouraged Council to look at more than just the nuisance side of things.

Mayor Peterman opened the public hearing. With no forthcoming comments, Mayor Peterman closed the public hearing.

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

- Elimination of storage of materials;

And that the text amendment is consistent with The 2035 Graham Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It’s in the best interest of the public for the City of Graham. Mayor Jerry Peterman seconded the motion and all voted in favor of the motion.

#### *ii. Narrow Residential Road (AM1602)*

Mr. Page explained that this item, also from last month, is still being researched and that Staff was requesting that this item be postponed to next month’s meeting. Mayor Peterman opened the public hearing. With no comments forthcoming, Mayor Peterman closed the public hearing.

Council Member Kimrey made a motion to postpone this item to next month’s meeting, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor the motion.

### **Little Alamance Creek Restoration Update**

Mr. Josh Johnson, City Engineer from Alley, Williams, Carmen & King, gave an overview of the creek highlighting the following:

- Where is the Watershed
- What are Benthic Macroinvertebrates
- Background
- Draft Total Maximum Daily Load in 2010
- 4b Plan in 2012
- 4b Plan Implementation
- Stream Cleanup

Council Members and Staff discussed with Mr. Johnson various issues that plague the creek, such as the effect nitrogen from fertilizer has on the creek and impairment from drought. Mr. Johnson said ultimately, the City needs to strengthen public education and participation.

### **Discussion of “Welcome to Graham” Sign**

Mr. Maness advised that this sign has been in the works for the past twelve (12) years and that he entrusted this project to Assistant City Manager Aaron Holland to handle. Mr. Holland explained that he has worked with multiple sign companies to design a “Welcome to Graham” sign that would be approximately fourteen feet (14’) wide by eight feet (8’) tall consisting of two feet (2’) tall text.

Council Members expressed concern that this sign exceeds the size requirement for the Highway 54 Overlay District and about the cost of changing out some elements of the sign should the City choose to rebrand at some point in the future. Council Members stated that they feel the City shouldn't be able to do more than what we allow the public to do and that we should comply with the same rules. Mr. Maness advised that our Ordinance allows for some governmental exemptions and the City is permitted by right to have a sign of this size. By consensus, Council Members asked Staff look into revising the current Non-Conforming Sign Ordinances and the Sign Ordinances for Overlay Districts and then move onto revising the entire Sign Ordinance. In addition, Council asked Staff to table going forward with this new sign until that has been done. Mr. Maness advised that in light of this decision, he would not allow the already approved banners we were to hang along Main Street to be purchased.

### **Issues Not Included on Tonight's Agenda**

Mr. Gary Evans, 141 E. Harden Street, Graham spoke on the recent notice of violation letter he received regarding the non-conforming sign at his business located at the above address. Mr. Maness asked Mr. Evans if he had gotten a permit for that sign. Mr. Evans said no he did not. Mr. Evans had installed a non-conforming sign without applying for a sign permit, resulting in the issuance of a notice of violation letter. Mr. Page advised that Mr. Evans then requested a sign permit for the existing pole sign, located in the East Harden Street/Highway 54 Overlay District, and based on our Sign Ordinance for that district, Mr. Page denied the application as presented. Mr. Evans stated that he appealed Mr. Page's decision to the Board of Adjustment and advised Council that the Board of Adjustment didn't vote on that appeal the night it was presented. Mayor Peterman advised Mr. Evans to consider submitting another notice to appeal and that all further enforcement action would cease until the Board of Adjustment rules on the matter.

Jay Martin, 405 Ivey Road, Graham thanked Mayor Peterman and Council Member McClure for organizing the Graham Public School Community Forum held on April 4, 2016 at the Graham Middle School. He urged City leaders to look outside the box and look at all ways to pull the community in and work together to better the Graham Schools.

Mayor Peterman followed up Mr. Martin's comments by saying that he was pleased with the turnout at the meeting and has already thought about changes that could be made to future forums that may be held. Council Members discussed that they feel Dr. William Harrison, Superintendent of the Alamance Burlington School System is listening to their concerns and are happy with some of the Dr. Harrison's proposed changes. Council Members reiterated Dr. Harrison's comments from the forum by saying that the proposed redistricting plan had undergone multiple changes thus far and will most likely undergo more changes before a final plan is submitted to the County Commissioners to vote on later this year.

At 9:27 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, MAY 3, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 3, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
Keith Whited, City Attorney  
Jeff Prichard, Police Chief  
Kristen Herndon, Recreation Program Supervisor

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

**Honorary Presentations and Proclamations:**

➤ ***Presentation by “B.O.K. Décor” – Graham Middle School Shark Tank Competition***

Graham Middle School Teacher, Mrs. Beth Estes, gave a brief overview of the competition held recently and stated that the competition was based on the popular television show “Shark Tank”. Winning team members Blessing Wade, Olivia Summers and Katie Gomez explained how they created a prototype of a product and service that will enhance the waiting area of the Graham Middle School. Following the presentation, Mayor Peterman advised that he and his fellow Council Members would like to make a financial donation to the B.O.K. Décor team to help make their vision a reality. Mayor Peterman presented the team with one hundred dollars (\$100) and challenged those in attendance to commit to helping as well.

➤ ***National Police Week Proclamation***

Mayor Peterman presented the National Police Week Proclamation to Graham Police Chief Jeff Prichard. Chief Prichard thanked Council and also invited everyone to attend the Fallen Heroes Memorial Service to be held on May 19, 2016 at 11:00 a.m.

## Proclamation Recognizing May 15 – May 21, 2016 as National Police Week

**WHEREAS**, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the 38 dedicated members of the Graham Police Department; and

**WHEREAS**, nearly 50,000 assaults against law enforcement officers are reported each year, resulting in approximately 15,000 injuries; and

**WHEREAS**, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty; and

**WHEREAS**, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.; and

**WHEREAS**, 252 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 123 officers killed in 2015 and 129 officers killed in previous years; and

**WHEREAS**, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 28<sup>th</sup> Annual Candlelight Vigil, on the evening of May 13, 2016; and

**WHEREAS**, the Candlelight Vigil is part of National Police Week, which takes place this year from May 15<sup>th</sup> to May 21<sup>st</sup>; and

**WHEREAS**, May 15th is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half-staff;

**THEREFORE**, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim May 15 – May 21, 2016, as "National Police Week" in the City of Graham, North Carolina and publicly salute the service of law enforcement officers in our community and in communities across the nation.

This the 3<sup>rd</sup> day of May 2016.

### ➤ *2016 Food Allergy Awareness Week Proclamation*

Mayor Peterman presented the 2016 Food Allergy Awareness Week Proclamation to Mr. David Stephens and proclaimed May 8, 2016-May 14, 2016 as Food Allergy Awareness week in the City of Graham. Mr. Stephens thanked the Council and invited everyone to attend a free event to bring awareness to food allergies at the Children's Museum of Alamance County on May 14, 2016.

## Proclamation Recognizing Food Allergy Awareness Week

**WHEREAS**, as many as 15 million Americans have food allergies; nearly 6 million are children under the age of 18; and

**WHEREAS**, research shows that the prevalence of food allergy is increasing among children; and

**WHEREAS**, eight foods cause the majority of all food allergy reactions in the U.S.: shellfish, fish, milk, eggs, tree nuts, peanuts, soy, and wheat; and

**WHEREAS**, symptoms of a food-allergic reaction can be subtle or severe and can include hives, vomiting, respiratory distress, and swelling of the throat; and

**WHEREAS**, according to the Centers for Disease Control and Prevention, food allergy results in more than 200,000 ambulatory care visits a year involving children under 18. Reactions typically occur when an individual unknowingly eats a food containing an ingredient to which they are allergic; and

**WHEREAS**, it is very likely that school age children and parents of school age children will be involved with and interact with children who have food allergies; and

**WHEREAS**, there is no cure for food allergy, and scientists do not understand why. Strict avoidance of the offending food is the only way to prevent an allergic reaction; and

**WHEREAS**, anaphylaxis is a serious allergic reaction that is rapid in onset and may cause death; and

**WHEREAS**, education and information is made available by organizations such as the Food Allergy Research & Education (FARE), a national, nonprofit organization dedicated to improving the quality of life and the health of individuals with food allergies, and to provide them hope through the promise of new treatments; and

**NOW, THEREFORE**, I, Jerry Peterman, Mayor of the City of Graham, do hereby proclaim May 8 – May 14, 2016 as “Food Allergy Awareness Week” in the City of Graham, North Carolina, and call upon all citizens, community agencies and businesses to increase their understanding and awareness of food allergies and anaphylaxis by visiting [www.foodallergyweek.org](http://www.foodallergyweek.org).

This the 3<sup>rd</sup> day of May 2016.

### Consent Agenda:

- a. *Approval of Minutes – April 5, 2016 Regular Session*
- b. *Tax Releases*

#### CITY OF GRAHAM RELEASE ACCOUNTS

##### MAY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
153645	2014	4908	MARTIN, NANCY BOOKOUT	PP	SOLD BOAT 3 YRS AGO. OWNER DECEASED	5.51
153645	2014	4909	MARTIN, NANCY BOOKOUT	PP	SOLD BOAT 3 YRS AGO. OWNER DECEASED	2.55
558936	2015	1049	BUNTING, JENNIFER MITCHELL	PP	DID NOT OWN BOAT JAN 2015	13.11
644656	2015	1840	COX, JASON MONROE	PP	DID NOT OWN BOAT JAN 2015	95.35

***c. Request from the Graham Police and the Graham Parks and Recreation Departments to close North Main, South Main, East Elm and West Elm Streets in the Downtown Business District on October 28, 2016 from 5:00p.m.-10:00p.m. for a Halloween Festival***

Mayor Peterman asked that item “c. Request from the Graham Police and the Graham Parks and Recreation Departments” be pulled from the Consent Agenda.

Council Member Chip Turner made a motion to approve items “a” and “b” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Mayor Peterman asked Lieutenant Duane Flood from the Graham Police Department and Graham Recreation and Parks Program Supervisor Kristen Herndon to speak about foregoing their individual department events in favor of one large event including live music in the downtown area. Council asked if there is a rain date scheduled and Ms. Herndon advised that the rain date is currently scheduled for October 31, 2016. Mayor Peterman asked City Manager Frankie Maness if we would have get approval from NCDOT to close North and South Main Streets. Mr. Maness advised that we would need concurrence from DOT to close North and South Main Streets but that Council can approve to close East and West Elm Streets. Lieutenant Flood added that if DOT does not approve their request to close North and South Main Streets, the event would be scaled back and be held in the parking lot here at City Hall.

Mayor Pro Tem Linens made a motion to approve item “c” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

**Requests and Petitions of Citizens:**

***a. Petition for Voluntary Contiguous Annexation on Rogers Road (AN1601):***

City Planner Nathan Page explained that this is an application to annex a contiguous lot on Rogers Road into the City of Graham. Mr. Page added that this is the first step in the annexation process which would require approval of the following:

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

Council Member Griffin McClure made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for Property on Rogers Road, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31  
FOR PROPERTY ON ROGERS ROAD**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on April 27, 2016, 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.

  
Gerald R. Peterman, Mayor

ATTEST:  
  
Darcy L. Sperry, City Clerk

Council Member Kimrey made the motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for Property on Rogers Road – the date being June 7, 2016, seconded by Council Member Turner. All voted in favor of the motion.

**RESOLUTION FIXING DATE OF PUBLIC HEARING  
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31  
FOR PROPERTY ON ROGERS ROAD**

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

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

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

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

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

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

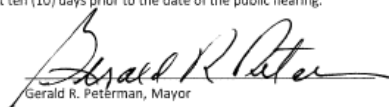
ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

BEGINNING at an existing 5/8" iron rod at the northeast corner of Bradley H. Qualls and Stacy H. Qualls, either now or formerly, as described in instrument recorded in Deed Book 3254, Page 130, in the Alamance County Registry (the "Qualls Property"); said point being, North 50 deg. 01 min. 56 sec. East 21.66 feet to an existing iron pipe and South 86 deg. 18 min. 22 sec. East 512.65 feet from an existing iron pipe in the eastern margin of Rogers Road, a 60' public right-of-way, said point being South 01 deg. 28 min. 55 sec. West 1281.94 feet from a published NCGS monument, "Lacy" and having NAD 83\2011 coordinates of, Northing = 829,089.634 and Easting = 1,878,148.730; and thence from the Point of Beginning and running in a northerly direction with the Qualls Property and Daniel S. Lester and Shaharazad Lester, either now or formerly, as described in instrument recorded in Deed Book 1003, Page 0343, in the Alamance County Registry ( the "Lester Property"), the following five (5) courses and distances: (i) North 86 deg. 18 min. 22 sec. West 127.05 feet to an existing iron pipe; (ii) North 67 deg. 45 min. 39 sec. West 188.56 feet to an existing iron pipe; (iii) North 03 deg. 50 min. 39 sec. East 369.75 feet to an existing iron pipe; (iv) North 67 deg. 58 min. 45 sec. West 47.89 feet to a point; (v) North 86 deg. 14 min. 03 sec. West 174.54 feet to a point on the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 04 deg. 00 min. 29 sec. East 509.94 feet to a new iron pipe, the southwest corner of James M. Alcon and Lisa M. Alcon, either now or formerly, as described in instrument recorded in Deed Book 1043, Page 955, in the Alamance County Registry ( the "Alcon Property"); thence leaving the eastern margin of Rogers Road and with the line of the Alcon Property, the following four (4) courses and distances: (i) South 70 deg. 41 min. 25 sec. East 228.30 feet to an existing iron pipe; (ii) North 04 deg. 01 min. 01 sec. East 196.06 feet to an existing iron pipe; (iii) along a curve to the left having a radius of 241.02 feet with an arc distance of 219.46 feet and said arc being subtended by a chord having a course and distance of North 59 deg. 48 min. 41 sec. West 211.95 feet to an existing iron pipe; (iv) North 85 deg. 48 min. 20 sec. West 29.76 feet to an existing nail in the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 03 deg. 39 min. 47 sec. East 50.00 feet to a point, the southwest corner of Ernest Mims, Jr. and Geraldine Mims, either now or formerly, as described in instrument recorded in Deed Book 2793, Page 461, in the Alamance County Registry ( the "Mims Property"); thence leaving the eastern margin of Rogers Road and with the line of the Mims Property, the following four (4) courses and distances: (i) South 85 deg. 48 min. 20 sec. East 30.34 feet to an existing iron pipe; (ii) along a curve to the right having a radius of 291.02 feet with an arc distance of



153.54 feet and said arc being subtended by a chord having a course and distance of South 70 deg. 40 min. 59 sec. East 151.77 feet to an existing iron pipe; (iii) North 34 deg. 27 min. 49 sec. East 46.45 feet to an existing iron pipe; (iv) North 04 deg. 10 min. 57 sec. East 169.91 feet to an existing iron pipe, the southeast corner of Cecil W. Eakes and Kristi L. Eakes, either now or formerly, as described in instrument recorded in Deed Book 2728, Page 926, in the Alamance County Registry ( the "Eakes Property"); thence with the eastern line of the Eakes Property North 04 deg. 10 min. 37 sec. East 83.38 feet to an existing iron pipe, in the southern line of Stephen M. Rogers, Nancy R. Lindsay, George C. Rogers, Jr. and Elizabeth R. Gatto, either now or formerly, as described in instrument recorded in Deed Book 550, Page 473, in the Alamance County Registry ( the "Rogers Property"); thence with the southern line of the Rogers Property the following four (4) courses and distances: (i) South 51 deg. 51 min. 52 sec. East 726.37 feet to an existing stone; (ii) South 03 deg. 19 min. 42 sec. East 1319.33 feet to an existing iron pipe; (iii) North 76 deg. 46 min. 40 sec. East 660.21 feet to an existing iron pipe; (iv) South 29 deg. 17 min. 27 sec. East 1197.90 feet, passing over an existing iron pipe at 1029.99 to a point on the northern bank of Big Alamance Creek; thence along the northern bank of Big Alamance Creek, the following four (4) courses and distances: (i) South 84 deg. 17 min. 00 sec. West 302.37 feet to a point; (ii) South 80 deg. 42 min. 07 sec. West 236.25 feet to a point; (iii) South 74 deg. 26 min. 40 sec. West 427.35 feet to a point; (iv) South 55 deg. 24 min. 02 sec. West 239.86 feet to a point in the northern line of Joseph E. Frazier and Dian R. Frazier, either now or formerly, as described in instrument recorded in Deed Book 942, Page 175, in the Alamance County Registry ( the "Frazier Property"); thence with the northern line of the Frazier Property North 43 deg. 01 min. 12 sec. West 770.00 to the southeast terminus of Cesar Court, a un-improved 60' public right-of-way; thence with the terminus, North 42 deg. 48 min. 44 sec. West 59.90 feet to the northeast corner of John M. Hall, either now or formerly, as described in instrument recorded in Deed Book 3183, Page 811, in the Alamance County Registry ( the "Hall Property"); thence with the northern line of the Hall Property the following two (2) courses and distances: (i) North 43 deg. 07 min. 17 sec. West 195.44 feet to an existing iron pipe; (ii) North 47 deg. 13 min. 29 sec. West 80.64 feet to an existing iron pipe, the southeast corner of the Qualls Property; thence with the eastern line of the Qualls Property, North 20 deg. 13 min. 37 sec. East 714.41 feet to the Point and Place of Beginning and containing 59.763 acres more or less.

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

  
Gerald R. Peterman, Mayor

ATTEST:  
  
Darcy L. Sperry, City Clerk

### **Recommendations from Planning Board:**

- a. ***Public Hearing: Rogers Contractor (CR1602). This is a request from Charles Terry to rezone property at 1129 Rogers Road from R-12 to C-B***

Mr. Page explained that the applicant is proposing to use the place where he lives as his business. He reminded Council that with this application, they have the ability to place conditions on rezoning.

Council Members inquired with Mr. Page and City Attorney Keith Whited as to the definition of spot zoning. Both gentlemen stated that they felt that if this request was approved, it would fall under the category of spot zoning. With no further discussion, Mayor Peterman opened the Public Hearing.

Mr. Andy Shanklin, 1129 Rogers Road Graham, stepped forward to speak to the Council. Mr. Shanklin is the tenant at the property requesting the rezoning and is currently using the property for his home business. He told Council that he has made several improvements to the property to help with water drainage and by doing so, has improved water drainage for neighboring properties as well. He added that his customers don't actually come to the property.

Council Members expressed concern with the amount of equipment being kept on the property without being enclosed by a garage or building.

Additionally, Council Members admitted that while they believe Mr. Shanklin has good intentions with improving the property, it certainly appears that he has exceeded the accessory use for a residentially zoned property and has gone beyond what our Ordinance allows for a home occupation. Mr. Shanklin told Council that if given more time, he's planning on installing a privacy fence which will not allow for any of the equipment on the property to be seen. Mr. Maness explained to Mr. Shanklin that the Council is a Legislative body and that enforcement of the City's Ordinances is done by the Zoning Enforcement Officer. He suggested that Mr. Shanklin speak to the City's Zoning Enforcement Officer to determine how best to bring the property into compliance.

Ms. Rebecca Fecher, 207 Aloha Drive Graham, stepped forward in support of Mr. Shanklin.

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

Mayor Pro Tem Linens made a motion that the application be denied, that the application is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest because the development has grown beyond the scope of what the Development Ordinance permits as a home occupation, the business shall now move into a zone more suitable for the storage of gravel, dump trucks and bulldozers. Council Member Kimrey seconded the motion and all voted in favor of the motion.

**b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:**

***i. Tree Cutting Permit (AM1607)***

Mr. Page explained that this request is to change Section 10.312 from what currently says "no license shall be required of any public service company or city employee" to "no license shall be required of any public service company, city employee or contractor hired by the city".

Council Members and Staff discussed City policy with regards to having a contractor's certificate of insurance on file. Mr. Maness stated that this amendment is an attempt to align our Ordinances with current practice. He added that our Finance Department receives certificates of insurance on an annual basis.

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

Council Member McClure made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

**b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:**

***ii. B-1 District Uses (AM1609)***

Mr. Page explained that this request changes the uses permitted in the Downtown Business District by removing automobile accessory and supply sales, automobile body and fender repair conducted within completely enclosed building, automobile dealers (new and used), automobile rental or leasing, automobile repair shops, not including body or fender repair, convenience store (with gasoline pumps), drive in restaurants, equipment rental and leasing (no outside storage), insurance agency (with on site claims inspections), lodges, civic and social clubs, medical or dental laboratory, motor vehicle sales (new and used), motorcycle sales, recreational vehicle sales, restaurant (with drive-thru), service station (provided not gas or oil pump or concession is located within 15 feet of a property line unless within a building, tire recapping and retreading (accessory use) and tire sales.

Mr. Page added that this request is to also align with the North Carolina General Statutes regarding the distances bars must be from churches and schools.

Both Mayor Peterman and Mayor Pro Tem Linens disclosed that they have a brother-in-law who owns a used car dealership in the Downtown Business District and asked Council if they felt that they should recuse themselves from this agenda item. Council Members determined that with there being no financial interest for either Council Member, that recusal was not necessary.

Council Members expressed concern with the removal of medical and dental laboratories and lodges, civic and social clubs. Mr. Page explained that the removal of the medical and dental laboratories was based on the frequency by which people would be entering and exiting that location. He added that a business of this type would be entirely enclosed and have little interaction with downtown visitors, contradicting the vision set forth by The Graham 2035 Comprehensive Plan for the downtown area. Mr. Page stated that currently our Ordinance requires a minimum two (2) acre parcel for a lodge, civic and social club. Council Members and Staff discussed how current businesses who may fall under the requested removals would be allowed to continue to operate and be grandfathered in as non-conforming uses.

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

Council Member Kimrey made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest because as declared in the 2035 Plan, policies 2.2.1 and 2.3.1 identify the downtown as a priority to improve walkability, entertainment and infill development. This amendment furthers those goals by discouraging large-lot users with low volumes of foot traffic. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

**b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:**  
***iii. Decommissioning of Cell Towers (AM1610)***

Mr. Page explained that this request adds “Prior to final approval of the Electrical Permit, a Decommissioning Plan (see definitions) shall be approved by the City” to Section 10.149 Special Uses Listed, Telecommunications Towers (Cellular, PCS, Radio, TV, etc.), Cessation in Use.

Following a brief discussion of how this would not affect the existing crown on the City’s water tower or the placement of antennae on utility poles, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member McClure made a motion that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Turner. All voted in favor of the motion.

**b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:**  
***iv. Unified Business Development (AM1611)***

Mr. Page explained that these are two (2) potential amendments with option B adding Unified Business Development (UBD) to and allowing for more than one tenant in large heavy industrial zones. Mr. Page further explained that option A adds a UBD, Light and redefines our current UBD as UBD, Heavy. He added that when the anticipated traffic load is less than two hundred and fifty (250) vehicles per day, the approval for this UBD may be treated as a UBD, Light and be considered use by right by the City Planner or referred to Council as they so choose. However, if the traffic increases beyond this amount, or is anticipated to increase beyond this amount, the applicant must

come before the City Council to be approved or the parcel must have only one use. Mr. Page added that there is also a recommendation to remove automobile repair in the B-2 and I-1 Districts.

Council Members and Staff discussed screening requirements, appeal procedures for those who wish to appeal an administrative decision, whether it be denial or sending it to Council. Council Members also inquired as to how many current UBD's in the City of Graham that generate more than two hundred and fifty (250) vehicles per day. Mr. Page said he believed that number to be four (4). Mr. Page also stated that the way this is written, if he should recommend it goes before Council for a Special Use permit, it goes before Council. If he should deny a request for a UBD, the applicant may appeal the decision to the Board of Adjustment.

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

Council Member Turner made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest because the proposed amendment permits the redevelopment of old, large mills on heavy industrial properties as well as adding automobile repair shops to our Unified Business Developments. Council Member McClure seconded the motion and all voted in favor of the motion.

### **Old Business:**

#### ***a. Public Hearing: Text Amendments for the City of Graham Development Ordinance*** ***i. Narrow Residential Road (AM1602)***

Mr. Page explained that this request is to bring our current Development Ordinance in line with North Carolina Fire Code. He added that this has the recommendation from the City Fire Chief as well as the City's Street Superintendent. Mr. Page highlighted that this would change the width of a street with curb and gutter to twenty four feet (24') and the typical right of way for Narrow Residential to forty seven feet (47').

Following discussion between Council and Staff, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member McClure made a motion that the text amendment be approved and that 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: being in accordance with the North Carolina Fire Code. Council Member Turner seconded the motion and all voted in favor of the motion.

### **Issues Not Included on Tonight's Agenda**

Mr. Page read the letter from the Planning Board included with this month's agenda packet. In that letter, the Planning Board was requesting Council to increase the focus of City Staff and funds towards the downtown area. Mayor Peterman stated that Council would not take any action on this at this time, but asked Staff to formally prepare reports for each item in the letter and present them at next month's meeting.

Council Member McClure stated that the Graham Business Association has expressed concern about the lack of parking enforcement in the downtown area. Mr. Maness indicated that some of that is due to staffing levels.

Mr. Chuck Granger, 404 Stonehedge Drive Graham, stepped forward to express his concern over water meter reading dates, water pressure in his home, manholes on Main Street and vehicles not stopping at the stop sign located at the intersection of Castle Drive and Stonehedge Drive.

Assistant City Manager Aaron Holland advised that the Annual Stormwater Public Meeting is set for May 12, 2016 from 5:30p.m.-6:30p.m.

Mr. Maness reminded Council that the Budget Workshop will be held on May 17, 2016 at 5:00p.m.

Mayor Peterman mentioned the recent retirement of Mr. Jay Ashley of the Burlington Times News. He stated that he felt like the Council should pen a letter to Mr. Ashley and asked for a consensus to do so. Consensus was given.

Council Member Kimrey asked Mr. Maness to highlight the proposed Budget given to Council. Mr. Maness advised that the General Fund and Water Fund books look good and added that he is proposing the following:

- no tax increase
- increase in Water Department staffing levels
- increase in garbage rate from \$2.75 per month to \$3.00 per month
- Increase in stormwater rate from \$1.00 per month per household to \$2.00 per month per household

At 9:00 p.m. Council Member Turner made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
TUESDAY, MAY 17, 2016  
5:00 P.M.**

The City Council of the City of Graham met in special session at 5:00 p.m. on Tuesday, May 17, 2016, in the Conference Room of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Lee Kimrey  
Council Member Chip Turner  
Council Member Griffin McClure

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Erin Quigley, Administration Intern  
Sandra King, Finance Director

Mayor Jerry Peterman called the meeting to order and presided at 5:32 p.m.

City Manager Frankie Maness began the budget discussion by reviewing several handouts presented to the Council Members prior to the meeting. The first item that was discussed was a handout discussing the investments of the City. This was followed by a review of the tax rate history of the City for the past twenty (20) years. Mr. Maness also presented to Council the Position Classification and Pay Study results. Mr. Maness stated that the study evaluated the position, not the person and would have a net effect on budgeted expenditures city wide 2.2% above budgeted salaries from FY 2015-2016. He indicated that the implementation of the pay study would help push employees towards the mid-point of their pay scale and ultimately reduce compression. He also pointed out that implementing this study would make us more competitive with the market. The implementation of the pay results of the Pay Study were recommended by Mr. Maness instead of a Cost of Living Adjustment (COLA) for the proposed budget.

Mr. Maness outlined the Cemeteries Trust Fund, Garage Fund, Water & Sewer Fund and General Fund as follows:

- **Cemeteries Trust Fund:** Mr. Maness stated that in April 2015, the City Council adopted an Ordinance that established a Cemeteries Trust Fund to outline the management of more than \$2,300,000 in funds set aside for perpetual maintenance of the City's cemeteries. The Ordinance stipulates that interest earnings from the principal investments may be used towards maintenance of the grounds, walkways, etc...Mr. Maness indicated that paving improvements had been performed this past year. In FY 2016-2017, \$40,000 is being proposed to continue improvements at the City's cemeteries.
- **Garage Fund:** Mr. Maness stated that the Garage Fund overall is less than last year's budget primarily due to lower fuel costs. He stated that the Garage Fund included an increase in the labor rate to \$70 per hour to offset rising employee costs. He also noted that a part-time position had been appropriated in the budget.
- **Water & Sewer Fund:** Mr. Maness stated that the Water & Sewer Fund continues its financial comeback as the past three (3) fiscal years have seen revenues sufficient enough to cover expenses. For FY 2016-2017, Mr. Maness did not propose any increase in water/sewer rates.

Mr. Maness also made mention of a proposed fulltime position that would be in the Water/Billing Department. This position was requested in last year's budget, but was removed prior to adoption. Mr. Maness also highlighted the \$220,000 transfer that the Water & Sewer Fund will make to the General Fund. In past years, a transfer in this direction was uncommon. An overview and discussion of the various departments and capital expenditures took place.

- **General Fund:** Mr. Maness stated that, as usual, the General Fund presents the greatest challenge. Mr. Maness was optimistic that the uptick in the general economy has made a notable difference in the City's taxable base. He made mention of the increase in construction activity from projects such as Watercourse, Indulor, Lidl, and Peak Resources and that all have helped with the growth. The City is expecting an increase of 5% on the tax base for next year. An increase of this amount has not occurred since 1999-2000. Mr. Maness stated that FY 2016-2017 will mark the first year of revenue generated from NCCP. He also stated that this fiscal year will also be the first of five annual installments of \$225,000 due to Lidl as part of the incentive package agreement. Other items outlined by Mr. Maness included the Ad Valorem tax rate remaining the same, an increase to \$2 per month for the Stormwater Fee, and the residential user fees for garbage are recommended to increase to \$3.00 per month. Mr. Maness also stated that he is still negotiating Health Insurance Premiums with carriers, but is not expecting an increase for next year. Mr. Maness reviewed the summary of expenditures, capital outlay and unmet requests.

Mr. Maness summarized his presentation by stating that the FY 2016-2017 Budget, as proposed, reflects the commitment of the City of Graham to provide a consistent level of public service.

There being no further discussion and upon a motion by Mayor Pro Tem Jimmy Linens, seconded by Council Member Chip Turner, the Council voted unanimously to adjourn the meeting at 10:58 p.m.

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Aaron Holland, Asst. City Manager

**CITY OF GRAHAM  
SPECIAL SESSION  
TUESDAY, MAY 24, 2016  
5:00 P.M.**

The City Council of the City of Graham met in special session at 5:00 p.m. on Tuesday, May 24, 2016, in the Conference Room of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Lee Kimrey  
Council Member Chip Turner  
Council Member Griffin McClure

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Erin Quigley, Administration Intern

Mayor Jerry Peterman called the meeting to order and presided at 5:00 p.m.

Council Members expressed concern over the allocation of \$20,000 for rebranding. Council Members, while in agreement that we need to concentrate on improving the downtown area by making it more attractive to prospective businesses, questioned whether or not rebranding is the most cost effective way to do this. Council Members discussed how The Graham 2035 Comprehensive Plan already recommends that we focus and improve the downtown area. After debating whether or not rebranding would contribute to economic growth in the City, Mayor Peterman asked City Manager Frankie Maness for his professional opinion as to where these funds might better serve the citizens of Graham. Mr. Maness identified the need for an upgrade to the City's website, upgrading the City's existing infrastructure and funding of the additional monies for the City's façade grant as possible reallocation options.

By consensus, Council chose to reallocate \$15,000 towards upgrading the City's website and \$5,000 towards the City's façade grant program.

Council requested that at some point in the future, Mr. Maness provide a cost for a small area plan for the downtown area.

Mr. Maness informed Council that the City's health insurance policy for the FY 2016-2017 will keep comparable coverages for employees while reducing the total rate by 1.8%.

There being no further discussion and upon a motion by Council Member Chip Turner, seconded by Mayor Pro Tem Jimmy Linens, the Council voted unanimously to adjourn the meeting at 6:17 p.m.

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Darcy Sperry, City Clerk



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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 7, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Keith Whited, City Attorney  
Sandra King, Finance Director  
Erin Quigly, Administration Intern

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

**Consent Agenda:**

- a. Approval of Minutes – May 3, 2016 Regular Session*
- b. Approval of Minutes – May 17, 2016 Special Session*
- c. Approval of Minutes – May 24, 2016 Special Session*
- d. Tax Releases*

CITY OF GRAHAM REFUNDS						
JUNE COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECEIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
77957	2014	7808	UNIFI MANUFACTURING INC	PP	PROPERTY LISTED IN WRONG YEAR	3,732.83
77957	2015	7523	UNIFI MANUFACTURING INC	PP	DEPRECIATION VALUES INCORRECT	4,796.75

Mayor Peterman asked if anyone would like to pull any of the agenda items. Council Member Lee Kimrey asked that item “d. Taxes” be pulled from the Consent Agenda.

Council Member Chip Turner made a motion to approve items “a”, “b” and “c” on the Consent Agenda, seconded by Mayor Pro Tem Jimmy Linens. All voted in favor of the motion.

Council Member Kimrey asked City Manager Frankie Maness about item “d. Taxes”. Mr. Maness explained this deals with business personal property in which their depreciation schedule was incorrect, listed in the wrong year and added that the property actually isn’t in Graham.

Council Member Kimrey made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

**Requests and Petitions of Citizens:**

- a. Public Hearing: Petition for Voluntary Contiguous Annexation on Rogers Road (AN1601):***
  - i. Approve Annexation Ordinance

Assistant City Manager Aaron Holland explained that this is property that Council has been hearing about for several months and that this is the final step in the annexation process.

Council Members and Staff discussed what the fiscal impact would be on the City, as well as water and sewer fees and street construction being the responsibility of the developer. Mr. Maness advised that the capital costs would be the responsibility of the developer and once they meet the City’s standards, maintenance would be the City’s responsibility. With no further discussion, Mayor Peterman opened the Public Hearing.

Mr. David Michaels, 5603 New Garden Village Road Greensboro, stepped forward to speak on behalf of Windsor Homes, developer of the property. He thanked Council and Staff for their support. He said that they are looking forward to moving ahead with this project and anticipate that within thirty (30) to forty (40) days they will be able to break ground.

Council Member Kimrey asked Mr. Michaels if they have run into any hurdles and if they plan on getting as many houses as they originally anticipated. Mr. Michaels stated that they won’t be developing the planned one hundred and one (101) total lots right away and that they haven’t run into anything they haven’t been able to overcome thus far.

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

Council Member Kimrey made a motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for the subject property on Rogers Road, seconded by Council Member McClure. All voted in favor of the motion.

## ANNEXATION ORDINANCE

### TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR PROPERTY ON ROGERS ROAD

**WHEREAS**, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

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

**WHEREAS**, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on June 7, 2016, after due notice by publication on May 26, 2016; and

**WHEREAS**, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;


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

**Section 1.** By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of June 30, 2016:

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

BEGINNING at an existing 5/8" iron rod at the northeast corner of Bradley H. Qualls and Stacy H. Qualls, either now or formerly, as described in instrument recorded in Deed Book 3254, Page 130, in the Alamance County Registry (the "Qualls Property"); said point being, North 50 deg. 01 min. 56 sec. East 21.66 feet to an existing iron pipe and South 86 deg. 18 min. 22 sec. East 512.65 feet from an existing iron pipe in the eastern margin of Rogers Road, a 60' public right-of-way, said point being South 01 deg. 28 min. 55 sec. West 1281.94 feet from a published NCGS monument, "Lacy" and having NAD 83\2011 coordinates of, Northing = 829,089.634 and Easting = 1,878,148.730; and thence from the Point of Beginning and running in a northerly direction with the Qualls Property and Daniel S. Lester and Shaharazad Lester, either now or formerly, as described in instrument recorded in Deed Book 1003, Page 0343, in the Alamance County Registry (the "Lester Property"), the following five (5) courses and distances: (i) North 86 deg. 18 min. 22 sec. West 127.05 feet to an existing iron pipe; (ii) North 67 deg. 45 min. 39 sec. West 188.56 feet to an existing iron pipe; (iii) North 03 deg. 50 min. 39 sec. East 369.75 feet to an existing iron pipe; (iv) North 67 deg. 58 min. 45 sec. West 47.89 feet to a point; (v) North 86 deg. 14 min. 03 sec. West 174.54 feet to a point on the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 04 deg. 00 min. 29 sec. East 509.94 feet to a new iron pipe, the southwest corner of James M. Alcon and Lisa M. Alcon, either now or formerly, as described in instrument recorded in Deed Book 1043, Page 955, in the Alamance County Registry (the "Alcon Property"); thence leaving the eastern margin of Rogers Road and with the line of the Alcon Property, the following four (4) courses and distances: (i) South 70 deg. 41 min. 25 sec. East 228.30 feet to an existing iron pipe; (ii) North 04 deg. 01 min. 01 sec. East 196.06 feet to an existing iron pipe; (iii) along a curve to the left having a radius of 241.02 feet with an arc distance of 219.46 feet and said arc being subtended by a chord having a course and distance of North 59 deg. 48 min. 41 sec. West 211.95 feet to an existing iron pipe; (iv) North 85 deg. 48 min. 20 sec. West 29.76 feet to an existing nail in the eastern margin of Rogers Road; thence with the eastern margin of Rogers Road, North 03 deg. 39 min. 47 sec. East 50.00 feet to a point, the southwest corner of Ernest Mims, Jr. and

Geraldine Mims, either now or formerly, as described in instrument recorded in Deed Book 2793, Page 461, in the Alamance County Registry ( the "Mims Property"); thence leaving the eastern margin of Rogers Road and with the line of the Mims Property, the following four (4) courses and distances: (i) South 85 deg. 48 min. 20 sec. East 30.34 feet to an existing iron pipe; (ii) along a curve to the right having a radius of 291.02 feet with an arc distance of 153.54 feet and said arc being subtended by a chord having a course and distance of South 70 deg. 40 min. 59 sec. East 151.77 feet to an existing iron pipe; (iii) North 34 deg. 27 min. 49 sec. East 46.45 feet to an existing iron pipe; (iv) North 04 deg. 10 min. 57 sec. East 169.91 feet to an existing iron pipe, the southeast corner of Cecil W. Eakes and Kristi L. Eakes, either now or formerly, as described in instrument recorded in Deed Book 2728, Page 926, in the Alamance County Registry ( the "Eakes Property"); thence with the eastern line of the Eakes Property North 04 deg. 10 min. 37 sec. East 83.38 feet to an existing iron pipe, in the southern line of Stephen M. Rogers, Nancy R. Lindsay, George C. Rogers, Jr. and Elizabeth R. Gatto, either now or formerly, as described in instrument recorded in Deed Book 550, Page 473, in the Alamance County Registry ( the "Rogers Property"); thence with the southern line of the Rogers Property the following four (4) courses and distances: (i) South 51 deg. 51 min. 52 sec. East 726.37 feet to an existing stone; (ii) South 03 deg. 19 min. 42 sec. East 1319.33 feet to an existing iron pipe; (iii) North 76 deg. 46 min. 40 sec. East 660.21 feet to an existing iron pipe; (iv) South 29 deg. 17 min. 27 sec. East 1197.90 feet, passing over an existing iron pipe at 1029.99 to a point on the northern bank of Big Alamance Creek; thence along the northern bank of Big Alamance Creek, the following four (4) courses and distances: (i) South 84 deg. 17 min. 00 sec. West 302.37 feet to a point; (ii) South 80 deg. 42 min. 07 sec. West 236.25 feet to a point; (iii) South 74 deg. 26 min. 40 sec. West 427.35 feet to a point; (iv) South 55 deg. 24 min. 02 sec. West 239.86 feet to a point in the northern line of Joseph E. Frazier and Dian R. Frazier, either now or formerly, as described in instrument recorded in Deed Book 942, Page 175, in the Alamance County Registry ( the "Frazier Property"); thence with the northern line of the Frazier Property North 43 deg. 01 min. 12 sec. West 770.00 to the southeast terminus of Cesar Court, a un-improved 60' public right-of-way; thence with the terminus, North 42 deg. 48 min. 44 sec. West 59.90 feet to the northeast corner of John M. Hall, either now or formerly, as described in instrument recorded in Deed Book 3183, Page 811, in the Alamance County Registry ( the "Hall Property"); thence with the northern line of the Hall Property the following two (2) courses and distances: (i) North 43 deg. 07 min. 17 sec. West 195.44 feet to an existing iron pipe; (ii) North 47 deg. 13 min. 29 sec. West 80.64 feet to an existing iron pipe, the southeast corner of the Qualls Property; thence with the eastern line of the Qualls Property, North 20 deg. 13 min. 37 sec. East 714.41 feet to the Point and Place of Beginning and containing 59.763 acres more or less.

  
Gerald R. Peterman, Mayor

ATTEST:

  
Darcy L. Sperry, City Clerk

*b. Public Hearing: Application for Designation of Historic Landmark for Montwhite Opera House:*  
*i. Adoption of Historic Landmark Status*

Mr. Holland explained that this is a petition from Mr. Jason Cox of Carolina Property Holdings of NC, LLC seeking the Council's approval as a Local Historic Landmark for the Montwhite Opera House, which opened in 1907. Mr. Holland added that the property is located at 200 North Main Street and that the Historic Landmark Designation process has two (2) steps; adoption by Council following a positive recommendation from the Historic Resources Commission is the last of these. Mr. Holland advised that the property is located in the Downtown Historic District, is recognized by the National Historic Register of Places and at the Historic Resources Commission meeting last month, they recommended approval.

Council Member Kimrey asked Mr. Holland what the advantage would be to the property owner by having this designated a Historic Landmark. Mr. Holland stated that there are certain tax credits available to the property owner with this type of designation. With no further questions forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Jason Cox, 200 North Main Street Graham, stepped forward to advise that the Montwhite Opera House was the most intact example of an opera house of that era in the entire state. With no further discussion, Mayor Peterman closed the Public Hearing.

Following a brief discussion amongst Council and Staff pertaining to the reduction of tax monies owed to the City and County by this designation, Council Member McClure made a motion that we adopt the Montwhite Opera House located at 200 North Main Street as a Local Historic Landmark. Council Member Turner seconded the motion and all voted in favor of the motion.

## **AN ORDINANCE DESIGNATING THE MONTWHITE OPERA HOUSE IN THE PLANNING JURISDICTION OF THE CITY OF GRAHAM, NORTH CAROLINA, A HISTORIC LANDMARK**

**WHEREAS**, the property located at 200 North Main Street, Graham NC, is owned by Carolina Property Holdings of NC, LLC; and

**WHEREAS**, the General Assembly of the State of North Carolina authorized the creation of the Graham Historic Resourced Commission for the City of Graham and otherwise provided for the preservation of certain historic sites and buildings by the passage of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes; and

**WHEREAS**, the Graham Historic Resources Commission has made an investigation and recommended the following property be designated a historic landmark; and

**WHEREAS**, the National Park Service has declared the Montwhite Opera House as a pivotal structure in the Court Square Historic District of the National Register; and

**WHEREAS**, on the 7<sup>th</sup> day of June, 2016 a public hearing was held in the Council Chamber of Graham City Hall, Graham, North Carolina before the City Council of the City of Graham to determine whether the hereinafter described property should be designated a historic landmark; and

**WHEREAS**, all requirements of Part 3C, Chapter 160A, Article 19 of the North Carolina General Statutes, preceding the adoption of this ordinance, have been complied with.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA THAT:**

**Section 1.** The property designated as the Montwhite Opera House, in the planning jurisdiction of the City of Graham, North Carolina, be and is declared a Graham Historic Landmark. Said property being more particularly described as follows:

The property located at 200 North Main Street, Graham, North Carolina, owned by Carolina Property Holdings of NC, LLC, that property described in deed book 3027, page 341 recorded in Alamance County Registry, comprising approximately 0.178 acres.

**Section 2.** Those elements of the property that are integral to its historical, prehistorical, architectural, archeological and/or cultural significance or any combination thereof are as follows:

Located one block north of Courthouse Square in downtown Graham, North Carolina and inside the Graham Historic District, the structure sits on the north-east corner of Main Street and Harden Street, directly adjacent to city sidewalks with a small alleyway to the north which also serves as the entrance to the added stairwell & elevators serving the second and third floors.

The Montwhite Opera House is a single three story structure of approximately 50' in height and eight by four bays in width. Built in the Italian Renaissance style and constructed of load bearing masonry and stone, the exterior features polychrome brickwork of red and yellow. The asphalt roof is hidden by a parapet wall with corbelled cornice, and windows and storefronts are wood framed. Windows replaced circa 1992 and circa 2005 with commercial double pane windows and tempered storefront glass, retaining the original form of the original windows. The sole addition is a stairwell and elevator on the north side of the building in the north alley which is complementary brick construction.

The first floor entrance is located at street level within the cutaway corner at the south-east corner of the building. The entry to the second and third floors is located via the north alley from the new stairwell/elevator entrance. The

first floor windows consist of two storefront windows along the eastern wall, and a single storefront with five arched transoms on the south wall. Second floor windows are all consistent in size and shape with arched transoms. Third floor windows are rectangular without transoms. Trim work is brick and stone used as embellishments, along with belt courses between floors. An elaborate corbelled cornice is featured along the top of the building. The sold exterior alteration to the facade is the north side stairwell and elevator, at the non-street facing north alley.

**Section 3.** No portion of the exterior features of any building, site, structure, or object (including windows, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant features), trees, nor above ground utility structure located on the hereinbefore described property that is designated in the ordinance may be altered, restored, moved, remodeled, or reconstructed so that a change in design, material or outer appearance occurs unless and until a certificate of appropriateness is obtained from the Graham Historic Resources Commission or its successors; provided however that the Graham Development Ordinance allows for staff approvals.

**Section 4.** No building, site, structure, or object (including walls, fences, light fixtures, steps, pavement, paths or any other appurtenant features), trees, nor above ground utility structure located on the hereinbefore described property that is designated in this ordinance may be demolished unless and until either approval of a demolition is obtained from the Graham Historic Resources Commission or a period of three hundred sixty-five (365) days has elapsed following final review by the Commission of a request for demolition (or any longer period of time required by N.C. G.S. 160A-400.14 as it may be amended hereafter); provided however, that demolition may be denied by the Graham Historic Resources Commission in the event that the State Historic Preservation Officer determines that the building, site, or structure has statewide significance as provided by N.C. G. S. 160A-400.14.

**Section 5.** The Graham Historic Resources Commission shall have no jurisdiction over the interior features of the property.

**Section 6.** All owners and occupants of the property hereinabove described, whose identity and addresses can be ascertained by the exercise of due diligence shall be sent by certified mail a copy of this ordinance.

**Section 7.** This ordinance shall be indexed after the property owner's name in the grantor and grantee indexes in the Office of the Register of Deeds in Alamance County.

**Section 8.** In the event the Montwhite Opera House designated by this ordinance is demolished in accordance with the ordinances of the City of Graham, this ordinance shall be automatically null and void.

**Section 9.** Any violation of this ordinance shall be unlawful as by law provided.

Adopted this 7<sup>th</sup> day of June, 2016 by the City Council of the City of Graham, North Carolina.

  
Gerald R. Pettrman, Mayor

ATTEST:

  
Darcy Sperry, City Clerk

### **Boards and Commissions Appointments:**

Mr. Maness explained that we are fortunate that this year we have more applications than vacancies for some of the boards and commissions.

**a. *ABC Board – 3 year term***

Council Member Kimrey made a motion to reappoint Larry Brooks, seconded by Council Member McClure. All voted in favor of the motion.

**b. *Alamance County Library Committee – 2 year term***

Council Member McClure made a motion to recommend Christine Quigley be appointed by the Alamance County Commissioners, seconded by Mayor Pro Tem Linens. All voted in favor of the recommendation.

**c. *Appearance Commission – 4 year term***

Council Member Kimrey made a motion to appoint Lynda Allred, seconded by Council Member Turner. All voted in favor of the motion.

**d. *Canine Review Board – 3 year term***

Mayor Peterman asked for consensus to have Kelly Ronnow, Executive Director of the Humane Society of Alamance County, be appointed by the Humane Society Executive Board. Consensus was given 5-0.

**e. *Graham Housing Authority – 5 year term***

Council Member Kimrey expressed concern over two (2) applications for this board coming in after the agenda packet went out. He said he would like to see a deadline set to prevent this from happening. Mayor Peterman stated that because we did not formally set a deadline, we have to consider all applications. He added that he would like Staff to look into setting a deadline going forward.

Mayor Pro Tem Linens made a motion to appoint Larry Brooks, seconded by Council Member Turner. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member McClure and Council Member Turner. Nays: Council Member Kimrey. Motion carried 4:1.

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

Council Member Kimrey made a motion to appoint Robert “Guy” Sinclair, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Council Member Kimrey made a motion to appoint Vicky Roberts, seconded by Council Member Turner. All voted in favor of the motion.

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

Mayor Peterman made a motion to reappoint Ricky Hall, seconded by Council Member Kimrey. All voted in favor of the motion.

Council Member Turner made a motion to reappoint Dean Ward, seconded by Council Member Kimrey. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member Turner and Council Member Kimrey. Nays: Council Member McClure. Motion passed 4:1.



**h. *Planning Board/Board of Adjustment (ETJ) – 3 year term***

Mayor Pro Tem Linens made a motion that Michael Benesch be recommended for reappointed by the Alamance County Commissioners, seconded by Council Member Turner. All voted in favor of the recommendation.

**i. *Recreation Commission – 3 year term***

Mayor Peterman made a motion to appoint Nathan Perry, seconded by Council Member McClure. All voted in favor of the motion.

Council Member McClure made a motion to reappoint Jay Cook, seconded by Council Member Turner. All voted in favor of the motion.

**j. *Tree Board – 3 year term***

Council Member Kimrey made a motion to reappoint Jan Searls, seconded by Council Member McClure. All voted in favor of the motion.

At the conclusion of the boards and commission appointments, Mayor Peterman directed City Clerk Darcy Sperry to send letters to those not appointed letting them know what boards and commissions still have vacancies.

**Public Hearing: Adoption of Budget Ordinance for FY 2016-2017**

Mr. Maness explained after introducing this budget approximately one (1) month ago and following two (2) budget workshops, we are now at the Public Hearing portion for our budget. He added that this overall budget of just over \$19,000,000 spans four (4) different operating funds – General Fund, Water/Sewer Fund, Garage Fund and the Cemetery Trust Fund. He reminded Council that we adopt our budget on a departmental basis and not line item.

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

Mayor Peterman made a motion we adopt the Budget Ordinance for Fiscal Year 2016-2017, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.



## City of Graham Budget Ordinance FY 2016-2017

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 and its activities for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017, in accordance with the Chart of Accounts heretofore established for the City:

City Council	53,200
Administration	453,600
Information Technology	276,300
Finance	374,100
Public Buildings	260,200
Police	3,470,500
Fire	846,200
Inspections	413,100
Traffic Engineering	29,100
Garage and Warehouse	83,600
Streets & Highways	1,397,900
Street Lights	116,000
Sanitation	926,900
Recreation	906,400
Lake	182,100
Athletic Facilities	166,900
Property Maintenance	662,100
Non-Departmental	958,300
	<b>11,576,500</b>

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017.

Current Year Tax	4,300,000
Prior Year Taxes	45,000
Vehicle Taxes	375,000
Prior Year Vehicle Taxes	1,000
PY Vehicle Interest & Collection Fees	500
Payment in Lieu Taxes	26,000
Storm Water Fee	120,000
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	100
Interest On Investments	25,000
School Resource Officer	110,000
Police Donations/Grants	100
Miscellaneous Income	45,000
Insurance Proceeds	1,000
Franchise Tax	1,000,000
Beer And Wine Tax	62,000
Powell Bill	389,000
Local Sales Tax	3,000,000
Solid Waste Disposal Tax	8,800
ABC Revenues	70,000
Building & Electrical Permits	85,000
Recreation Donations	100
Refuse Fees	304,000
Cemetery Revenue	42,000
Concert Series Donations	1,000
Concession Income	11,500
5k Run - Donations	1,000
Christmas	15,000
Recreation Income	5,000
Recreation Day Camps	40,000
Recreation Rentals	16,000
Recreation Athletics	31,000
Graham Mebane Lake	26,000
Lake Penalties & Fines	100
Lake Shelter Rentals	100
Courts & Fines	15,000
Rent On City Property	28,000
Mebane Lake Revenue	75,000
Fund Balance	892,000
Transfer From Water Fund	220,000
NCCP	146,000
	<b>11,576,500</b>

**Section 3.** The following amounts are hereby appropriated in the Water & Sewer Fund for its operations and activities for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017, in accordance with the Chart of Accounts heretofore established for the City:

Water And Sewer Billing	724,900
Water And Sewer Distribution	1,189,100
Maintenance & Lift Station	299,500
Water Treatment Plant	1,728,000
Wastewater Treatment Plant	1,069,200

Non Departmental Admin	1,713,300
	<b>6,724,000</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, 2016 and ending June 30, 2017.

Sale Of Surplus Property	1,000
Interest On Investments	20,000
Sewer Surcharges	17,000
Outside Sewer Surcharges	42,000
Water Acreage & Con. Fees	11,000
Sewer Acreage & Con. Fees	11,000
Water Charges	2,740,000
Sewer Charges	2,650,000
Plumbing Permits & Inspections	12,000
Water And Sewer Taps	5,000
Water & Sewer Assessments	100
Miscellaneous Income	5,000
Fund Balance	75,000
Cut Offs	90,900
Sale/Lease Of Property	27,000
Mebane Revenue	690,000
Water Plant Equalization	127,000
Swordfish-Alamance County	100,000
NCCP	100,000
	<b>6,724,000</b>

**Section 5.** The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2016 and ending June 30, 2017, in accordance with the Chart of Accounts heretofore established for the City:

<b>Garage Fund</b>	<b>800,100</b>
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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, 2016 and ending June 30, 2017.

Ala Co Fuel	213,200
City Of Graham Parts	189,400
City Of Graham Labor	147,900
City Of Graham Fuel	172,100
Graham Housing Parts	4,600
Graham Housing Labor	100
Graham Housing Fuel	4,900

ACTA Parts	24,700
ACTA Labor	28,900
Green Level Parts	1,300
Green Level Labor	2,400
Green Level Fuel	7,400
ABC Parts	100
ABC Labor	100
ABC Fuel	2,400
Interest On Investments	500
Miscellaneous Income	100
	<b>800,100</b>

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

	Revenues	Expenditures
Cemetery Trust Fund	54,000	54,000
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, 2016 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 \$1,064,000,000 (100%valuation) with anticipated collection rate of 97%.

**Section 9.** Effective upon adoption of the Ordinance, the City of Graham Rates and Fee Schedule is hereby amended as follows:

• Garbage Land Fill Tipping Fee	\$ 3.00 per month
•• Extra Garbage Container	\$ 3.00 per month plus one time lease at current cost of container
Stormwater Charge	\$ 2.00 per month per utility account

**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 7<sup>th</sup> day of June 2016.

### **FY 2015-2016 Budget Amendments**

Mr. Maness explained that internally, these are referred to as clean up amendments. He added that we need to make sure each department doesn't exceed their original appropriations. Mr. Maness stated that while he is recommending \$40,076 in additional appropriations from the General Fund, those will be offset by revenue we have already collected or expect to collect. He further explained that there is also a budget request for an increase of \$30,000 to be appropriated to the Special Project Fund for roadway construction for Project Quarter.

Council Members and Staff discussed the monies appropriated for Project Quarter being split between Graham, Mebane and Alamance County as well as the pile of dirt left by NCDOT. Mr. Maness advised that we were able to use most of the dirt during the roadway construction, however, we did have to acquire an easement to go around the pile during the roadway construction phase. He added that at this time, he was not clear of the exact cost for acquiring that easement.

Council Member Turner made a motion we adopt the Budget Amendment Ordinance for Fiscal Year 2015-2016, seconded by Council Member Kimrey. All voted in favor of the motion.

### **Issues Not Included on Tonight's Agenda**

Mr. Larry Ray, 609 Walker Avenue Graham, stepped forward to express his appreciation for the increase in Graham Police presence in his neighborhood.

Mr. Whited advised that he will not be able to attend the July 5, 2016 regular scheduled meeting.

Council Member McClure read a prepared statement expressing his disappointment in the Council's decision to not to support the Link Transit System at some level. He added that his hope is that Council will remember that transit is not about the number of users, but rather the value of use.

Council Member Kimrey asked Mr. Maness about wayfinding signs in the downtown area. Mr. Maness stated that City Planner Nathan Page is currently researching options and will present those to Council at the July 5, 2016 meeting.

Mayor Peterman thanked Council Member McClure for acting quickly to clean up graffiti recently placed on his place of business.

Mayor Peterman thanked Mr. Maness and Staff for their hard work in compiling this year's budget.

At 8:10 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, July 5, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, Planning Director  
Duane Flood, Lieutenant Graham Police Department

**Absent:** Keith Whited, City Attorney

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

**Honorary Proclamations and Presentations:**

➤ *2016 Alamance Christian School Varsity Ladies Soccer Team*

Mayor Peterman presented Coach Bob LaTour a proclamation honoring the team's recent State Championship. Mr. LaTour recognized those players in attendance and stated how proud he is of his team and their accomplishments.

***PROCLAMATION HONORING THE ALAMANCE CHRISTIAN SCHOOL  
VARSITY LADIES SOCCER TEAM***

**WHEREAS**, the Alamance Christian School Varsity Ladies Soccer Team won the North Carolina Christian Schools Association Annual State Championship on May 14, 2016; and

**WHEREAS**, Alamance Christian School Varsity Ladies Soccer Team defeated Faith Christian School in double overtime by a score of 5-4; and

**WHEREAS**, the Alamance Christian School Varsity Ladies Soccer Team finished the season with a record of 14-1; and

**WHEREAS**, we recognize the following team members with great pride:

<i>Marianne Freeman</i>	<i>Victoria Briggs</i>
<i>Kailyn Florence</i>	<i>Isabella Greene</i>
<i>Chelsea Rudd</i>	<i>Maddie Varga</i>
<i>Jannah Brann</i>	<i>Martina Rivoira</i>
<i>Hailey Ingle</i>	<i>Kaylee Gregory</i>
<i>Maryssa Daugherty</i>	<i>Amanda Parsons</i>
<i>Hannah Ingle</i>	<i>Emily Hernandez</i>
<i>Savannah Congdon</i>	<i>Emily Myers</i>
<i>Tory Goldson</i>	<i>Brittany Dean</i>
<i>Erica Lewis</i>	<i>Miah Barlow</i>
<i>Olivia Verroi</i>	

*Coach: Bob LaTour*

*Assistant Coaches: Bobby LaTour, Aaron Wall, Scott Briggs, Ken Delorge*

**NOW, THEREFORE**, I, Jerry Peterman, Mayor of the City of Graham, do hereby express congratulations for the significant accomplishments achieved by the Alamance Christian School Varsity Ladies Soccer Team and also our gratitude for the pride and recognition they have brought to themselves, Alamance Christian School, and the community.

This the 5<sup>th</sup> day of July 2016.

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**Jerry Peterman, Mayor**  
**City of Graham**

➤ ***2016 Business Beautification Award***

Graham Appearance Commission Chairman Elaine Murrin presented this year's award to Ms. Sandra Thompson, General Manager of Wendy's.



## **Consent Agenda:**

- a. Approval of Minutes – June 7, 2016 Regular Session*
- b. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
JULY COUNCIL MEETING						
<u>ACCT #</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
541119	2014	1205	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1972 BOAT SOLD	5.01
541119	2015	1144	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1972 BOAT SOLD	5.01
541119	2015	1146	BYRTUS, BRIAN PAUL	PP	TAXPAYER DECEASED - 1970 JON BOAT SOLD	5.01
197037	2012	8416	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM	1.23
197037	2014	8355	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-2006 BOAT	6.32
197037	2015	8041	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-2006 BOAT	2.43
197037	2015	8042	WILSON, LEWIS GARDNER	PP	DOES NOT LIVE IN CITY OF GRAHAM-06 BOAT MOTOR	5.92

## *c. Appearance Commission Appointment*

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

## **Recommendations from Planning Board:**

- a. **Public Hearing: Knightdale Residential (RZ1602).** This is a request from Chris Foust to rezone property at 2225 Lacy Holt Road from R-18 to R-9 (GPIN 8872499679 & 8872590389)*

Planning Director Nathan Page explained that the original proposal as presented is to rezone approximately seventeen (17) acres from R-18 to R-9. Mr. Page added that the property currently has a single family home on it and that there is water and sewer availability along Lacy Holt Road. He further added that the Planning Board recommended approval for the first 250 feet off of Lacy Holt Road, with the balance of the lot to remain R-18.

Mr. Chris Foust, 1851 South Main Street Graham, stepped forward to speak. Mr. Foust advised that he had had a meeting last week with the neighbors of this property in hopes of answering any questions they may have. He said that he is willing to compromise and only rezone the property up front to R-9 and keep the back property R-18. He added that he would like for the R-9 lots to be annexed into the City. Council Members discussed with Mr. Foust the topography of the property, the setback numbers and the total number of lots Mr. Foust thinks he could end up with. Mr. Foust stated that he thinks he will have five (5) or six (6) lots facing Lacy Holt Road and a total of ten (10) to twelve (12) lots and feels as though he could make it work with a 230 foot setback.

With no further discussion, Mayor Peterman opened the Public Hearing.

The following expressed concern with this rezoning request:

- Ms. Sandra Lefrancois – 973 Stonehaven Drive Graham
- Ms. Dorothy Holt – 2305 Lacy Holt Road Graham
- Mr. Bob Conner – 2214 Lacy Holt Road Graham

Mr. Tom Balchin, 2361 Knightdale Drive Graham, stepped forward and thanked the Council Members for hearing from the residents. He stated his appreciation for Mr. Foust's openness with the residents and hoped that Council will vote to accept the Planning Board's recommendation.

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

Council Members and staff discussed the Planning Board's recommendation of the 250 foot setback. City Manager Frankie Maness cautioned the Council that without actually having a map of future development for this property, you run the risk of potentially having a parcel with split zoning and he recommends Council think about that and maybe try to avoid that if the opportunity presents itself. Council Members asked Mr. Foust what the current depth was for the lots facing Lacy Holt Road. Mr. Foust advised that they are 234 feet and 232 feet.

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

- Property facing Lacy Holt Road to be rezoned to R-9 for a depth of 230 feet

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.

***b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:***

***i. Off Street Parking (AM1613)***

Mr. Page explained that this proposed amendment pertains to off street parking. This proposed amendment permits additional parking spaces for drive thru restaurants and groups similar land uses under the same requirements.

Mayor Pro Tem Linens asked Mr. Page if this change is in line with what other cities and municipalities have, to which Mr. Page answered yes.

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

Mayor Pro Tem Linens made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member Griffin McClure. All voted in favor of the motion.

***ii. Table of Permitted Uses (AM1614)***

Mr. Page explained that this proposed amendment was to remove duplicate entries and condense similar land uses in the Table of Permitted Uses. He advised that currently waste incinerators appears in the table three (3) times and that barber shops and beauty shops are listed separately even though they are similar land uses.

Council Members, while agreeing that we probably need to condense our Table of Permitted Uses, expressed concern that the proposed changes will eliminate the use by right that currently exists for some uses. Upon a recommendation from Mayor Peterman, Council Member Kimrey made a motion to table this item to next month's meeting. Council Member Turner seconded the motion and all voted in favor of the motion.

### **Wayfinding Report**

Mr. Page explained that per a request from Council at last month's meeting, he researched the idea of Wayfinding in the Downtown Business Area. He added that while the signs he is proposing are a temporary measure, they will give us an idea of the utilization and the demand for additional signage in the area. Mr. Page stated that he is asking Council to approve a budget of \$500 for these signs which will allow twenty-five (25) signs to be posted throughout the downtown area.

Council Member McClure questioned staff about the QR code that is pictured on one of the signs. He asked if the City would be able to track the use of that QR code. Mr. Maness said that he believes the City's IT department would be able to track hits to the City's website based on the use of QR codes.

By consensus, Council Members unanimously approved a budget of \$500 for Wayfinding signage.

### **Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City Manager and City Attorney**

At 8:01 p.m. Council Member McClure made a motion to go into closed session to consider the performance of the City Manager and City Attorney, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

At 8:40 p.m. Mayor Peterman reconvened the regular session. Mayor Peterman read the following prepared statement:

We can never overcome what other cities are paying, but we need to make sure Frankie knows that we appreciate him more than we can afford to pay. We are offering him a 4% increase in salary which will bring him to \$120,188.69 and that's effective July 1<sup>st</sup>.

Council Members took turns expressing their appreciation and thanks to the outstanding job Mr. Maness has done ranging from his communication with Council to his efforts with both the Walmart and Lidl projects.

Mayor Peterman made a motion that Mr. Maness' salary be increased to \$120,188.69 effective July 1, 2016, seconded by Council Member Turner. All voted in favor of the motion.

Mayor Peterman advised those in attendance that prior to the closed session, Mr. Tom Boney of the Alamance News had inquired as to the legality of discussing the performance of the City Attorney in closed session, as the City Attorney is a contract employee.

Mayor Peterman said that he had referred to the Robert's Rules of Order and advised that Council did not review the City Attorney's performance in closed session. He added that they would instead conduct his review in the open session.

Mayor Peterman informed Council that City Attorney Keith Whited has proposed a work arrangement which would make him a part time employee of the City. Mr. Whited's proposal calls for him to work eight (8) hours per week from an office located in City Hall. Mayor Peterman asked Mr. Maness about this proposed arrangement. Mr. Maness stated that Graham has never had an attorney on staff and said that he would gain comfort in having someone in the office to provide legal assistance.

After much discussion about how the arrangement would work, Mayor Peterman stated that he feels Mr. Whited should be present before Council rules on anything specific. Mayor Peterman stated that he will ask Mr. Whited to continue until next month's meeting with the current arrangement.

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

Mayor Peterman asked Lieutenant Duane Flood of the Graham Police Department for an update on the Police and Recreation Departments Halloween festivities. Lieutenant Flood advised that progress is still moving forward.

Mayor Pro Tem Linens told of recently being contacted by a citizen who expressed concern over the manhole covers on South Main Street. It was pointed out that these manholes are the responsibility of North Carolina Department of Transportation and all inquiries should be forwarded onto them. Council Member Kimrey asked the media present at the meeting to consider publishing something letting the citizens of Graham know who to contact about this matter.

Council Member McClure thanked the Alamance Arts Council for their efforts in bringing the Chihuly art exhibit to Graham.

Council Member McClure expressed concern that our citizens do not know how to use the new Link Transit system and asked about the City making some sort of public announcement either by a City sponsored event or an insert in the monthly water bills. Council Member Kimrey stated that he disagrees with spending City funds to advertise a project the City chose not to sponsor. After discussing the matter further, Council Member McClure asked if private funds could be used to make an announcement in the water bills. Mr. Maness advised that would be alright.

Mr. Maness thanked Council for their service and their confidence in him and our staff.

At 9:15 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, AUGUST 2, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 2, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, Planning Director  
Keith Whited, City Attorney  
Erin Quigley, Administration Intern  
Jeff Prichard, Police Chief  
Mike Hodgin, Plant Maintenance Superintendent

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

**Honorary Resolution:**

➤ ***Tony Fogleman - Resolution of Commendation and Appreciation***

Mayor Jerry Peterman presented Mr. Tony Fogleman with a gift from the City of Graham and thanked him for his five (5) plus years of service to the City of Graham. Mr. Fogleman thanked the City while Wastewater Plant Maintenance Superintendent Mike Hodgin told everyone in attendance that it had been a pleasure to work with Tony.

**RESOLUTION OF COMMENDATION AND APPRECIATION TO  
TONY FOGLEMAN  
FOR HIS SERVICE TO THE CITY OF GRAHAM**

WHEREAS, Tony Fogleman diligently served the City of Graham Wastewater Treatment Plant from January 18, 2011 until July 31, 2016; and

WHEREAS, Tony retired as a Maintenance Mechanic II at the City of Graham Wastewater Treatment Plant on July 31, 2016 with over 5 years of service; and

WHEREAS, his wisdom, care and dedication has commanded the utmost respect from his colleagues and employees; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Tony for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:** Tony be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER RESOLVED THAT:** an expression of appreciation be extended to Mr. Tony Fogleman in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

This the 2<sup>nd</sup> day of August 2016.

**Consent Agenda:**

- a. *Approval of Minutes – July 5, 2016 Regular Session*
- b. *Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
528203	2015	GRANDSTAFF, TADD A.	BOAT SOLD	4.55
528203	2016	GRANDSTAFF, TADD A.	BOAT SOLD	17.75
643740	2016	BROWN, CHRISTIE D.	SOLD BOAT 2013	4.82
656686	2016	PICKARD, GARY DEAN	SOLD BOAT 2013	3.87
501335	2016	MATTHEWS, TIMOTHY I.	SOLD TREE SERVICE BUSINESS	2.96
TOTAL RELEASES				33.95

CITY OF GRAHAM REFUNDS				
AUGUST COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED
469429	2015	CLARK, DARLEEN JANE	MOVED TO VA	2.62
TOTAL REFUNDS				2.62

- c. Tax Collector Year End Report*
- d. 2015 Outstanding Tax Listing*
- e. Recreation Commission Removals and Appointments*

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

### **Old Business:**

- a. Public Hearing: Text Amendment for the City of Graham Development Ordinances:*
  - i. Table of Permitted Uses (AM1614)*

Planning Director Nathan Page explained that per Council's request at last month's meeting, he looked at the uses currently permitted in the B-3 District that would be removed with this proposed amendment. Mr. Page stated that based on his interpretation of the proposed amended Table of Permitted Uses, all of those uses being removed can be accounted for under another use currently in or being added to the table.

Council Member Lee Kimrey expressed concern with the removal of some uses and the interpretation by future administrations to determine whether or not a use by right would be permitted. Mr. Page advised that current North Carolina law does not allow you to totally exclude a use. Law states you must compare that use to the closest use in the table to make a final determination.

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

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

With no objection from anyone in attendance, Mayor Peterman announced that he was moving the next agenda item, Review Performance of the City Attorney, to the end of the meeting.

### **Recommendations from Planning Board:**

***a. Public Hearing: Shamrock Valley (CR0501). This is an amendment to the Conditional Zoning the City did to permit the property owners to build to their rear property line.***

Mr. Page explained that the applicant is requesting the ability to build to their rear property lines. He added that in this particular portion of the development, there is common area that borders all of the adjacent properties. This request is not for the property owners to be able to build to the property line adjacent to their neighbor but rather be able to build adjacent to the common area property line.

Following general discussion regarding the original setbacks and the common area per the site plan submitted, Mayor Peterman opened the Public Hearing.

Mr. Jimmy Collins, 5556 Friendship Patterson Road, stepped forward to speak. Mr. Collins advised that he is the builder for this development and that it had been brought to his attention that he has built some sunrooms that are nonconforming. He added that he secured signatures from all residents of this section of the development indicating that everyone is in agreement with this request. Council Members asked Mr. Collins about existing sunrooms and covered porches, decks and if homeowners were ever made aware of restrictions pertaining to adding sunrooms and/or porches.

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

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

- Structure can be added to rear property line provided it ties into the existing roof line and matches the character of the neighborhood
- There are no decks

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: While the development doesn't strictly comply with the Suburban Residential type, the homeowners of the entire development have requested to be permitted to construct porches or sunrooms to be better able to use their backyards. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

***b. Public Hearing: Pine Duplex (RZ1603). This is a request to rezone property at 521 E. Pine Street from R-12 to R-7.***

Mr. Page explained that this is an application to rezone the property to R-7 which will then lead to a request for a Special Use Permit which will allow a duplex. He added that the duplex currently there went through a past rezoning, in which the City created a nonconforming use for this property. Mr. Page advised that he wants to give the applicant the opportunity to clear up the zoning for this property.



Council Members asked Mr. Page if the duplex is still being used as a duplex. Mr. Page advised that it is.

Mayor Peterman opened the Public Hearing.

Ms. Lynda Allred, of Lynda Allred Realty, stepped forward to speak on behalf of the applicants. She handed out pictures taken of the property showing it as a duplex. She indicated that the current owners are trying to sell the property and when looking into the property's history, they found that it is currently considered nonconforming due to a past rezoning. Ms. Allred reiterated that it is their desire to have this cleared up before a sale should take place. Council Members asked Ms. Allred if the duplex has been continuously used as a duplex and she said it has. Council Members verified with Ms. Allred that there are two (2) separate driveways, as the pictures indicate. Ms. Allred advised that there are.

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

Council Member McClure made a motion that the application be approved, that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: It furthers the policies and strategies put forth in that plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

***c. Quasi-Judicial Public Hearing: Pine Duplex (SUP1602). This is a request for a Special Use Permit for a Dwelling, Duplex for property located at 521 E. Pine Street.***

Mayor Peterman recessed the regular Council meeting in order to convene a Quasi-Judicial Public Hearing. Mayor Peterman polled the Council for any financial interests, fixed opinions or communications regarding the property. Mayor Peterman disclosed that he is neighbors with the applicants and has spoken to them about the property. He further stated that he believes that this will not affect his decision making capabilities but would recuse himself if the Council asked him to. No Council Member objected.

City Attorney Keith Whited swore in Mr. Page and Ms. Lynda Allred.

Mr. Whited directed the pictures of the property Ms. Allred previously passed out to be labeled Exhibit "A" and entered into evidence. Mr. Page explained that this is a request for a Special Use Permit to bring the existing duplex on the property into compliance with the current development ordinance. He reminded Council that based on the preceding agenda item, the property is now zoned R-7, therefore it is eligible to be considered for a Special Use Permit.

Council Member Kimrey asked Ms. Allred to verify that the property has two (2) driveways and two (2) sidewalks and has adequate parking for a duplex as per the pictures submitted into evidence. Ms. Allred verified that to be true and accurate.

Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Member Turner made a motion that the application be approved as presented, to adopt the Findings of Fact and Conclusions of Law as presented in the staff report, the application is consistent with The Graham 2035 Comprehensive Plan and the action is reasonable and in the public interest for the following reasons: The proposed Special Use Permit is compatible with the area and meets all six (6) conditions required by Section 10.144 of the Development Ordinance, seconded by Council Member Kimrey. All voted in favor of the motion.

## Findings of Fact and Conclusions of Law

1. All applicable regulations of the zoning district in which the use is proposed are complied with.
  - *The property is zoned R-12, a duplex is permitted only with a rezoning (R-7) and a special use permit, or a rezoning to R-MF or R-G.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
  - *There are no conditions specific to “dwelling, duplex.”*
3. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
  - *The continued use of the location as a duplex will not materially endanger the public health or safety.*
4. The use will not substantially injure the value of adjoining property or that the use is a public necessity.
  - *The continued use of the location of a duplex will not substantially injure the value of adjoining property.*
5. The location and character of the use if developed according to the plan as submitted will be in harmony with the area in which it is to be located and in general conformity with the plan of development for the Graham planning area.
  - *The duplex is located in a neighborhood residential section of Graham, and is in general conformity with The Graham 2035 Comprehensive Plan.*
6. Satisfactory provision has been made for the following, when applicable: vehicle circulation, parking and loading, service entrances and areas, screening, utilities, signs and lighting, and open space.
  - *All said items have been functioning satisfactorily for the 60 years that the lot has been functioning as a duplex.*

***d. Public Hearing: Jay Industrial (RZ1604). This is a request to rezone property at 1201 Jay Lane from I-1 to I-2.***

Mr. Page explained the reason for this request is to permit the finishing of textile products and that adjacent buildings to the West and Northwest are already zoned I-2, with all of the other surrounding property zoned I-1. He added that there is property directly across Interstate 40/85 that is zoned R-18, however he feels that there is a large enough barrier to where he does not consider that to be adjacent to the subject property.

Council Member Kimrey asked Mr. Page to confirm that this property meets the building setbacks on the front and parking setbacks for the I-2 use. Mr. Page stated that since he had not seen a survey, he did not know the answers to that question.

Mayor Peterman opened the Public Hearing.

Mr. Ryan Moffett of the Vernon Law Firm stepped forward to address the Council. Mr. Moffett indicated that he was representing Empire Building, LLC - the owner of the property. Mr. Moffett advised that the prospective tenant for this building expects to add approximately thirty (30) full-time jobs to Graham should this rezoning be approved. He added that the prospective tenant also expects to have a relatively low environmental impact as well despite operating a textile finishing procedures at the site.

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

Council Member Kimrey made a motion that the application be approved as presented, that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be consistent with the Industrial type. I-2 would permit manufacturing and would breathe new life into a vacant property. Council Member McClure seconded the motion and all voted in favor of the motion.

***e. Public Hearing: Text Amendment for the City of Graham Development Ordinances:***

***i. Removal of Planned Unit Development (AM1615)***

Mr. Page explained that Staff proposes to amend the Development Ordinance, Article IV, Division 8, Planned Unit Development Overlay District. He added that this amendment is proposed because the PUD is a tool that has been replaced with Conditional Zoning and the most recent PUD issued by the City was in 2004 (Hideaway Farms and Old Fields) and the first was in 1999 (Villas on Hanford).

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

Mayor Pro Tem Linens made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The proposed amendment simplifies the development process by removing complicated procedure that hasn't been utilized in more than a decade. Council Member Turner seconded the motion and all voted in favor of the motion.

***ii. Removal of Protest Petition (AM1616)***

Mr. Page explained that this amendment has been brought about by a change the General Assembly has made that has forced our hand. He stated that the Protest Petition is no longer a valid form of protesting against an amendment to our zoning ordinance or zoning map.

Council Members asked Mr. Whited if law permits Council to extend the right to be heard to residents of our Extra-Territorial Jurisdiction (ETJ). Mr. Whited advised that we are authorized by law to do so.

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

Council Member McClure made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The proposed amendment brings into alignment with the NC SL 2015-160, but also respects the input of the residents of our ETJ. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

### **Economic Development:**

- a. ***Public Hearing:** to receive comments on a proposal to extend economic development incentives for a proposed manufacturing and support facility to be constructed in the North Carolina Commerce Park (NCCP). The proposed incentive would include a total cash grant in the amount of \$1,065,000 over a five year period and the waiver of development fees valued at \$100,000 in accordance with the provisions of NCGS 158-7.1, NCGS 158-7.2 and NCGS 160A-20.1. The consideration for the incentives will be the company's agreement to have constructed upon the site, improvements consisting of a facility which will employ not less than 205 full time positions with average salaries of \$46,322 and which will increase the tax base by not less than \$15,300,000. Funding for the incentives will come from fund balances on hand and will not require a tax increase by any of the governmental units.*

City Manager Frankie Maness explained that this was the Public Hearing to receive public comment on an incentive proposal for Project Prescient. He advised that this Colorado based company is considering a location within the North Carolina Commerce Park (NCCP). He reminded everyone in attendance that the NCCP is a joint undertaking between Alamance County and the Cities of Graham and Mebane to entice industrial development in the Hawfield's area. Mr. Maness added that Project Prescient proposes to invest \$15.3 million dollars in the NCCP, deliver at least 205 fulltime jobs averaging \$46,322 by the end of 2018. The proposed project site sits on the Mebane side of the existing line of agreement between Graham and Mebane, however due to the Interlocal Agreement for this park, Graham, Mebane and Alamance County share in the expenses such as incentives and infrastructure, as well as revenues. Mr. Maness explained that the total cash incentive is \$1,065,000 with \$300,000 being an initial grant payable upon the construction of the facility (certificate of occupancy) with the balance paid in five (5) annual installments beginning on the first anniversary of the certificate of occupancy. There will be a waiver of permit and inspection fees for the initial construction with a value not to exceed \$100,000. Graham's total share pursuant to the Agreement would equal \$388,333. It is proposed that there will be typical clawback provisions that try and capture a minimum investment of \$15.3 million dollars, 205 fulltime positions averaging \$46,322. Graham's total share would be \$388,333 and Staff recommends approval of the Resolution presented.

Council Members and Staff spoke of future revenues and the economic impact of the estimated \$9.5 million dollar annual payroll for this project. Mr. Maness advised that Alamance County and Mebane approved this incentive agreement yesterday at their respective meetings.

Mayor Peterman opened the Public Hearing.

Mr. Mac Williams, 610 S. Lexington Avenue Burlington and President of the Alamance County Chamber of Commerce, stepped forward and told Council that we are in a competitive situation. He thanked Mr. Maness for his hard work and attention to detail while collaborating with Mr. Craig Honeycutt and Mr. David Cheek to put this incentive package together as well as recognizing the hard work of the leaders of all three (3) entities that allows for us to be competitive for projects such as this.

Ms. Katie Culp, President of KSM Location Advisors, stepped forward representing Prescient Company, Inc. Her company specializes in site consulting work and has been retained by Prescient Company, Inc. to look into opening a second office in the Southeast. She advised that it has come down to this location in the NCCP and a site in Atlanta and she expects the company to make a decision within the next couple of weeks.

Council Members discussed with Ms. Culp factors such as the strength of our areas workforce, flight access from this area, the company's aggressive time frame for construction, production services and the hiring of local workers.

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

Council Member Kimrey made a motion to approve the Incentive Agreement for Project Prescient Company, Inc. and authorize the Mayor, City Manager, City Attorney, City Clerk and Finance Officer to execute the agreement on behalf of the City, seconded by Council Member Turner. All voted in favor of the motion.

#### **RESOLUTION AUTHORIZING AN INCENTIVE AGREEMENT FOR PROJECT PRESCIENT**

**WHEREAS**, Prescient Company, Inc. is considering the location of a new manufacturing facility in the North Carolina Commerce Park (NCCP), which is an economic development zone under an extended agreement between Graham, Mebane and Alamance County, by December 31, 2018; and

**WHEREAS**, the location of this manufacturing facility within the NCCP will involve new capital investment (including, building, machinery and equipment) of approximately Fifteen Million Three Hundred Thousand (\$15,300,000.00) and the creation of two hundred five (205) full time employment positions with average annual salaries of \$46,322.00; and

**WHEREAS**, an incentive package totaling \$1,165,000 is being considered by Graham, Mebane and Alamance County as inducement for the location; and

**WHEREAS**, G.S. Section 160A-20.1, 158-7.1, and 158-7.2, as construed by the North Carolina Supreme Court in its opinion in Maready v. The City of Winston-Salem, et al, 342 N.C. 708 (1996), permits the City to enter into an agreement with Prescient Company, Inc.; and

**WHEREAS**, Graham, Mebane and Alamance County find that in order to aid and encourage the construction of the facility and installation of the machinery and equipment in the NCCP, it is necessary and desirable to assist and reimburse the Company for a portion of its construction costs and new equipment costs;

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

Reimbursing Prescient Company, Inc for a portion of its construction and equipment costs serves a public purpose and will increase the taxable property base for the County and Cities of Graham and Mebane, and help create not less than two hundred five (205) new jobs in the County, all of which will result in an added and valued benefit to the taxpayers of the City.

**BE IT FURTHER RESOLVED** that:

1. The Mayor, City Manager, City Attorney, City Clerk and Finance Officer are authorized to enter into an incentive agreement with Prescient for a maximum participation of \$388,333 from the City of Graham;
2. That the cash incentive be payable as follows:
  - \$100,000 upon issuance of Certificate of Occupancy
  - \$51,000 within 30 days after the First anniversary date of the certificate of occupancy
  - \$51,000 within 30 days after Second anniversary date of the certificate of occupancy
  - \$51,000 within 30 days after Third anniversary date of the certificate of occupancy
  - \$51,000 within 30 days after Fourth anniversary date of the certificate of occupancy
  - \$51,000 within 30 days after Fifth anniversary date of the certificate of occupancy;
3. The agreement must include assurances for the investment of \$15,300,000 of taxable property within the geographic boundaries of the North Carolina Commerce Park, as established by Compact approved on May 2, 2013, and the creation of 205 jobs with average annual gross wages of \$46,322; and
4. The agreement must also include that Prescient account to the City Staff each year prior to receiving any cash incentive payment and any personal property must remain taxable in the economic development zone for each year in which an incentive is sought. Any failure to meet the investment, job creation and wage thresholds will result in proration of the incentive cash payment for that year.

Adopted this 2<sup>nd</sup> day of August 2016.

## **Old Business: (continued from earlier)**

### ***b. Review Performance of the City Attorney***

Mayor Peterman explained that due to Mr. Whited's absence from last month's meeting, this agenda item was not discussed in closed session, but was discussed in open session and it was unanimously agreed to table this item until tonight's meeting.

Mr. Whited advised Council that at last month's meeting, Mr. Tom Boney of the Alamance News incorrectly reported NC Law pertaining to closed session to Mayor Peterman prior to going into closed session last month. Mr. Whited stated that the State of NC requires each municipality to have a lawyer and acknowledges that Council has a right or privilege to talk to your lawyer at any time or among themselves about what your lawyer has said – as per N.C.G.S. §. 143-318-11. Mr. Whited concluded by stating that Council's relationship with the City Attorney is always protected.

Mr. Tom Boney of the Alamance News stepped forward to respond to Mr. Whited's comments. Mr. Boney argued that since Mr. Whited is not currently an employee of the City, but rather a subcontractor, his evaluation would have to be done in open session. Mr. Boney alleges that the issues the City is dealing with pertaining to Mr. Whited are fiscal issues and not performance based. Mr. Boney strongly requested that the Council record the meeting should they go into closed session so that it would be subject to review by a court in the event this is challenged. Mayor Peterman advised that they would talk about Mr. Whited's performance evaluation in closed session and then talk about his salary in open session.

At 8:46 p.m. Mayor Peterman made a motion to go into Closed Session to Consider the Conditions of Appointment of the City Attorney Pursuant to the Terms of *N.C.G.S. §. 143-318-11 (a) (6)*, seconded by Council Member Turner. Ayes: Mayor Peterman, Council Member Turner, Mayor Pro Tem Linens and Council Member McClure. Nays: Council Member Kimrey. Motion carried 4:1.

At 8:56 p.m. Council Member Turner made a motion to reconvene the open session, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Mayor Peterman read the following prepared statement:

Trust is something that is earned and Keith has earned this entire Council's trust. We'd like to give a thank you to him for his hard work and diligence to the City of Graham.

Council Members took turns expressing their appreciation and thanks to Mr. Whited, while Mr. Whited told Council that he truly enjoys working for the City.

Council Members and Staff then discussed the idea of changing to the current arrangement by which Mr. Whited works for the City. Mr. Maness spoke of the advantages for the City to have an attorney paid through payroll versus the current contractual paid through accounts payable. He informed Council that there are thresholds for the NC Retirement System and the Affordable Care Act and we have to be cognizant of those when adding a part time employee. Mr. Maness recommended that Council have an employment agreement outlining the parameters of employment for Mr. Whited. Mayor Peterman instructed Mr. Maness and Mr. Whited to work together to create an employment agreement to present to Council at next month's meeting.

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

Mayor Pro Tem Linens expressed his appreciation for those responsible for taking care of the potholes on South Main Street.

Council Member Kimrey asked Mr. Maness about the status of the Economic Development Committee creating an overlay district for the NCCP. Mr. Maness advised that while it has been discussed internally among Graham Staff, it's currently on the backburner with the Committee.

Mr. Maness thanked Administrative Intern Erin Quigley for her help this summer and wished her well in her upcoming senior year of college.

Mayor Peterman thanked Police Chief Jeff Prichard for the work his department continues to do on a daily basis.

At 9:17 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 6, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, Planning Director  
Keith Whited, City Attorney  
John Andrews, Fire Chief  
Beau Russell, Fire Inspector  
Frank Glover, Planning Intern

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

**Consent Agenda:**

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

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



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

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

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

### **Old Business:**

#### ***a. Review Performance of the City Attorney***

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

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

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

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

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

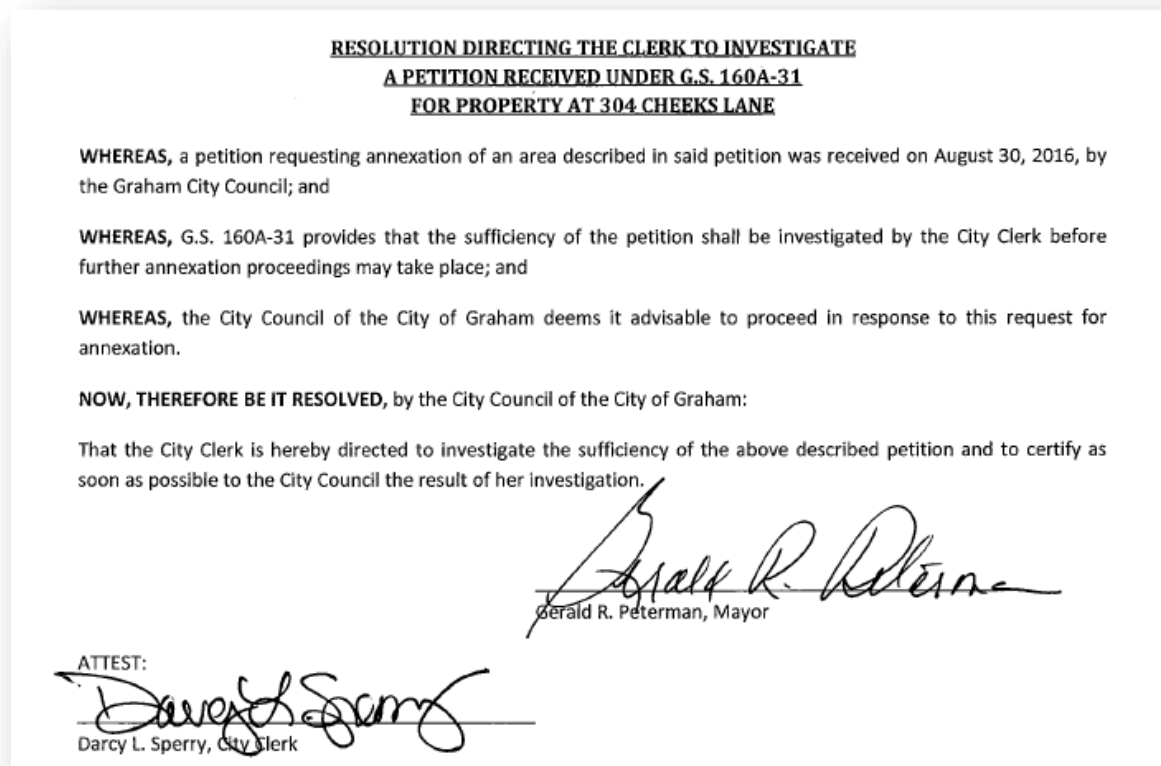
### **Requests and Petitions of Citizens:**

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

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

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

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



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

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

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

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

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

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

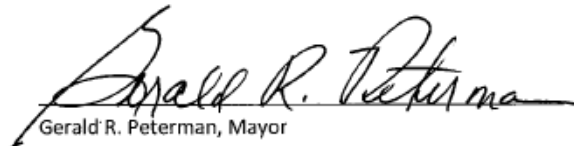
Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00pm on October 4, 2016.

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

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

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

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

  
Gerald R. Peterman, Mayor

ATTEST:

  
Darcy L. Sperry, City Clerk

**Recommendations from Planning Board:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### *iii. Home Occupations (AM1617)*

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

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

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

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

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

Upon concurrence, the motion was amended to include:

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

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

*iv. Nonconforming Site Elements (AM1612)*

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

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

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

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

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

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

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

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

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

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

### **Code of Ordinances Amendment:**

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

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

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

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

### **State Grant Resolutions:**

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Southern Loop:**

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

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

TABLE 3 PRELIMINARY IMPACTS COMPARISON

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

\* Indicates probable residential construction in the near future.

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

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

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

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

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

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

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, OCTOBER 4, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 4, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

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

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

**Consent Agenda:**

- a. Approval of Minutes – September 6, 2016 Regular Session*
- b. Tax Releases & Refunds*

<b>CITY OF GRAHAM RELEASE ACCOUNTS</b>				
<i>OCTOBER COUNCIL MEETING</i>				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
141465	2016	TRIAD COATINGS INC	OUT OF BUSINESS	84.93
657023	2016	WAY, ELIZABETH C	CLERICAL ERROR - ALAMANCE CO	108.85

- c. Request from the Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday at Seven Concert Series on October 6, 2016*

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

## **Old Business:**

### ***a. Public Hearing: Text Amendments for the City of Graham Development Ordinances:***

#### ***i. Harden Street Overlay (AM1618). A request by Patricia Mayzes to amend the Development Ordinance for the East Harden Street/Highway 54 Overlay District***

Planning Director Nathan Page explained that the idea behind this amendment was to prohibit vehicle assembling, painting, upholstering, rebuilding, reconditioning, body and fender work with outside storage that is visible from public right of way in addition to utility building sales and sales of storage sheds and trailers in the East Harden Street/Highway 54 Overlay District.

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

Mr. Dewey Brown, 1015 East Harden Street Graham, stepped forward and expressed concern that this amendment may be limiting the type of business he could have on a specific lot he owns along this corridor that at one time was a service station. Mayor Peterman advised that this amendment restricts auto body repair with outside storage that is visible from the public right of way, but that mechanical work and repair would be permitted.

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

Council Members and Staff discussed adopting this for the South Main Street/Highway 87 Overlay District as well. Staff will add this to next month's agenda and advertise accordingly. Mayor Pro Tem Linens made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Lee Kimrey seconded the motion and all voted in favor of the motion.

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

Mr. Page explained that this request would allow storage sheds, trailers and utility buildings to be sold in the B-2 District as a use by right. Mr. Page added that at last month's meeting, Council directed Staff to add language that would prohibit this in the Overlay Districts.

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

Mayor Peterman made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

### ***b. Southern Loop:***

#### ***i. Approve Resolution Withdrawing Support***

Assistant City Manager Aaron Holland reminded Council that at last month's meeting, we discussed the history of the proposed Southern Loop project and the impact it has had on the City. At last month's meeting we heard from property owners that are having problems developing and/or selling property as a result of this project. Council agreed last month to withdraw their support for this project. Staff presented Council with a resolution withdrawing support for this project.

Following a reading of the resolution by Mayor Peterman, Council and Staff discussed the lack of interest in the project by the NCDOT and the TAC.

Mr. Jeremy Pace, 1840 Almond Lane Graham, encouraged council to approve this resolution.

Mayor Peterman made a motion to approve the resolution to withdraw support for the proposed Southern Loop Bypass Project, seconded by Council Member Kimrey. All voted in favor of the motion. Council Member Kimrey will present this resolution at the next TAC meeting.

**RESOLUTION WITHDRAWING SUPPORT FOR THE PROPOSED SOUTHERN LOOP**

**WHEREAS**, the NCDOT proposes a Southern Loop Bypass that begins at the intersection of NC-49 and Monroe-Holt Road and extends east to Cherry Lane near Jimmy Kerr Road; and

**WHEREAS**, the current route was recommended by the Graham City Council at their public meeting on December 7, 2004; and

**WHEREAS**, the Southern Loop Bypass has been part of a regional transportation plan since at least 1975 with no significant advancement towards construction; and

**WHEREAS**, while this project is a component of the Burlington-Graham Urban Area Thoroughfare Plan, it is not currently funded or slated for future development; and

**WHEREAS**, citizens of Graham have expressed concern that the City will be negatively impacted from traffic being steered away from the downtown business district and the proposed route has had an adverse effect on the sale and development of properties that neighbor and/or may be potentially acquired for the bypass;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT** the City's support for the planning and construction of the Southern Loop is hereby withdrawn.

Adopted this the 4<sup>th</sup> day of October, 2016.

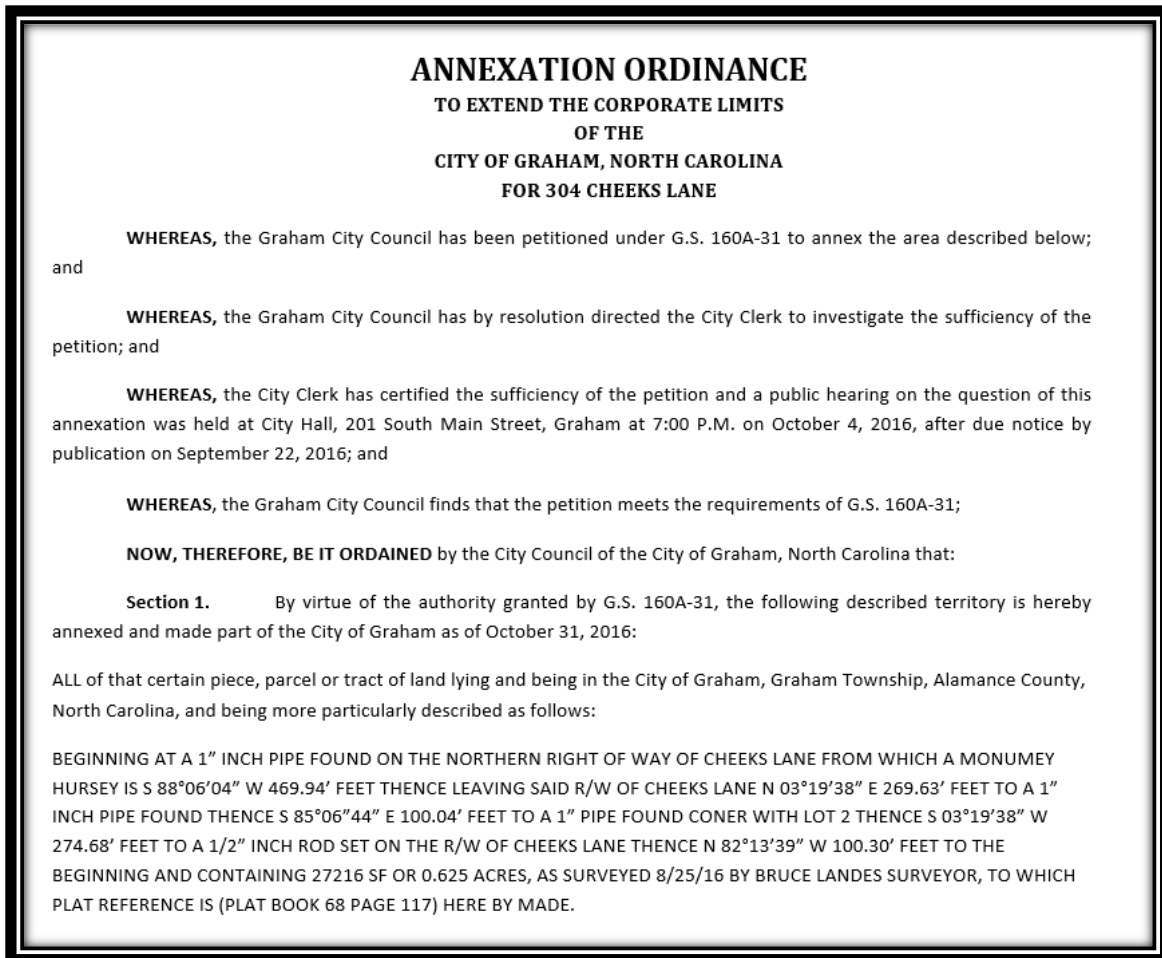
**Requests and Petitions of Citizens:**

- a. **Public Hearing: Petition for Voluntary Contiguous Annexation at 304 Cheeks Lane (AN1602)***
  - i. **Approve Annexation Ordinance***

Mr. Page advised that the attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the parcel located at 304 Cheeks Lane (0.625 acres). He added that the annexation process has multiple steps and following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process. Mr. Page advised that this parcel has water availability but sewer service is not available at this time.

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

Council Member McClure made a motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for the property at 304 Cheeks Lane, seconded by Council Member Turner. All voted in favor of the motion.



### **Recommendations from Planning Board:**

- a. **Public Hearing: Marshall B3 (RZ1606). A request from Jason Cook to rezone property located at 208 South Marshall Street from R-7 to B-3***

Mr. Page explained that this is a request to rezone the subject property from R -7 to B-3. He added that the lot is currently occupied by a single family home. Mr. Page advised that the stated reason for this rezoning request is to permit "a financial office." This property is located in and around the city's historic downtown area and is a part of a compact, connected and diverse neighborhood.

Mayor Peterman, Council Member McClure and Council Member Turner disclosed that they have invested money with Mr. Cook's business as a certified financial planner. City Attorney Keith Whited advised that does not present a conflict of interest in this matter, as none have a financial interest in the lot itself. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.



Mr. Jason Cook, 1895 Challenge Drive Graham, stepped forward to address Council. Mr. Cook advised that he is a member of the Graham Fire Department and owns an investment advisory firm. He stated that he currently rents office space and is looking for property to build a single tenant office building to house his financial business. Mr. Cook advised that if this rezoning is approved, he plans to have the existing house on this parcel demolished to make way for a new building.

Council Member Kimrey questioned Mr. Cook as whether or not he considered requesting the rezoning designation of O-I versus B-3, stating that B-3 does not allow for more than five employees. Mr. Cook stated that after speaking with Mr. Page, he chose to go with the B-3 rezoning request. Mr. Page advised that the Development Ordinance permits a financial office, bank in the B-3 district as a use by right.

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

Council Member Kimrey 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.

## **Cooper Estates:**

### ***a. Approve Foreclosure Resolution***

City Manager Frankie Maness explained that the City of Graham extended water and sewer lines to the Cooper Estates area between 2004-2006. The total cost of the project was \$3,061,421.85, where 39% (\$1,193,954.52) was levied against 166 properties that gained access to the new lines.

Assessment payments were due on November 6, 2006, unless landowners opted for installment payments or qualified for abeyance. The City Tax Collector has pursued all liens since 2006 but has exhausted all remedies except foreclosure. A total of 10 properties are outstanding and collectable. Mr. Maness added that the last step in the collection method is to authorize foreclosure.

Council Members and Staff discussed collection methods, properties who may have had a change in ownership over the past 10 years and how the foreclosure process works. Mr. Maness advised that the lien goes with the property and not the person. He added that notifying a potential new owner of a lien placed on the property is the responsibility of either the real estate agent or the attorney handling the closing. Mr. Maness said that in many cases, real estate agents and attorneys do check for liens on the property, but that is not always the case. Mr. Maness advised that some of the individuals have made payment arrangements with the City and for some reason or another, failed to adhere to those arrangements. Mr. Whited advised that while the debt stays with the property, the right to foreclose on the property goes away 10 years after the assessment roll was published – which in this case was November 6, 2006. Mr. Whited advised that November 6, 2016 is the last day to begin the foreclosure process on these properties.

With no further comments forthcoming, Mayor Pro Tem Linens made a motion to approve the Resolution Authorizing Foreclosure on Properties with Outstanding Liens for Cooper Estates Water and Sewer Assessments, seconded by Council Member McClure. All voted in favor of the motion.

**RESOLUTION AUTHORIZING FORECLOSURE ON PROPERTIES WITH OUTSTANDING  
LIENS FOR COOPER ESTATES WATER AND SEWER ASSESSMENTS**

**WHEREAS**, the extension of water and sewer lines to the Cooper Estates area was ordered by resolution of the City Council on the 7<sup>th</sup> day of September 2004 at a cost of \$3,061,421.85; and

**WHEREAS**, the Assessment Roll for the water and sewer extensions to the Cooper Estates area was duly confirmed by the City Council and the assessments thereon duly levied on the 5<sup>th</sup> day of September, 2006, at 9:25pm; and

**WHEREAS**, Assessments shown on the Assessment Roll were due in full without interest to the Tax Collector of the City of Graham no later than the 6<sup>th</sup> day of November 2006, or any property owner may have elected to pay the assessment in five (5) annual installments, the first installment being due and payable without interest on the 6<sup>th</sup> day of November, 2006. The succeeding installments were due and payable on the same date in each of the four (4) succeeding years with interest added at a rate of two percent (2%) per annum beginning on the 7<sup>th</sup> day of November, 2007; and

**WHEREAS**, some properties shown on the Assessment Roll remain unpaid with the City having exhausted all other collection remedies; and

**WHEREAS**, General Statute § 160A-233 (c) authorizes that assessment liens may be foreclosed under any procedure prescribed by law for the foreclosure of property tax liens, except that lien sales and lien sale certificates shall not be required, and foreclosure may begin at any time after 30 days after the due date.

**NOW, THEREFORE, BE IT RESOLVED** by the Graham City Council that the City Attorney and Tax Collector are authorized to proceed with foreclosure remedies afforded by the North Carolina General Statutes for the properties identified below:

GPIN	PARCEL	CUSTOMER	ADDRESS
8883933222	145296	FINE, PAUL D & CATHY C	1026 MARTIN AVE
8883931179	145293	FINE, PAUL D & CATHY C	VL MARTIN AVE
8883831089	145159	GUTHRIE, MICHAEL K & JUDY C	911 DOGWOOD LN
8883921993	145279	HERNANDEZ, FILEMON & CELINA	1011 MARTIN AVE
8883820913	145137	KINCHELOE, BRADLEY & JENNIFER	849 MARTIN AVE
8883935215	145299	OVERBEY, PAUL T & NANCY G	1919 COOPER RD
8883841357	145189	TURLINGTON, JAMES F & ELLEN W	VL CHEEKS LN
8883738058	145033	Wicker, Steven & Neta	829 MARTIN AVE
8883923890	145284	Murray, Kenneth Jr & Eva Doris Brady	1955 COOPER RD
8883733546	145022	McCraw, Michelle Lee	775 Martin Ave

Adopted this 4<sup>th</sup> day of October 2016.

### **Business Beautification Grant Discussion:**

Mayor Peterman explained that the idea of a Beautification Grant is the result of discussions had at last month's meeting with regards to signs and shrubbery throughout the City. Mr. Maness added that Staff did take ideas from our Façade Grant program when putting together the criteria for this possible future program. He said that Staff believes that City participation in such a program will forward the goals for our future corridors even faster. He advised that Staff concluded that the inclusion of sidewalks ties into our sidewalk pedestrian plan. Including landscaping can help address some of the nonconforming site elements along the City's corridors. Mr. Maness stated that Staff would like feedback from Council and told Council that this ultimately comes down to a budgetary issue for the Council. Mr. Holland added that Staff has heard from business owners outside of the downtown area who have inquired as to what the City has to offer them with respect to enhancement of their businesses.

Council Member Kimrey asked that language be added to the proposed program stating that applicants must be in good standing with all City departments. Council Member Kimrey also asked that language be added to read: applicant agrees to maintain all improvements in “like new” condition for a period of five years after completion of the work or until the property is sold. Mayor Peterman said that Council will have to decide how much money they will consider funding for this proposed grant. Council Members were in agreement that this grant should match the Façade Grant’s total of \$15,000 per year.

Mrs. Elaine Murrin, co-chairman of the Graham Appearance Commission stepped forward to discuss the program with Council. Mrs. Murrin had recently been given a copy of the draft prepared by Staff and told Council she is thrilled with the possibility of a program of this nature and the Appearance Commission’s role in determining how funds are allocated. Mrs. Murrin questioned the draft’s statement that the program is only open to those businesses along the City’s corridors. After a brief discussion, Council asked Staff to open the program to all business owners within the corporate limits of Graham.

Council asked that Staff to confer with the Appearance Commission and prepare a final proposal that can be presented at the November 1, 2016 Council meeting.

### **Issues Not on Tonight’s Agenda:**

Mayor Pro Tem Linens sent condolences to the family of Mr. Tim Matthews, who recently passed away.

Council Member McClure asked Council to consider addressing the City’s aesthetic appeal with regards to signage throughout the City. He added that the lack of a welcome sign in Graham frustrates him. Council Member McClure stated that with the creation of new jobs in the Graham area, time is of the essence to do something to attract new residents and more businesses to Graham.

Council Member Kimrey inquired as to whether or not there would be any public notice given to business owners with regards to last month’s approval of the Third Party Reporting Requirements added to the City’s Fire Code in our Code of Ordinances. Mr. Maness said Staff will address this with business owners.

At 8:25 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, NOVEMBER 1, 2016  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, November 1, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

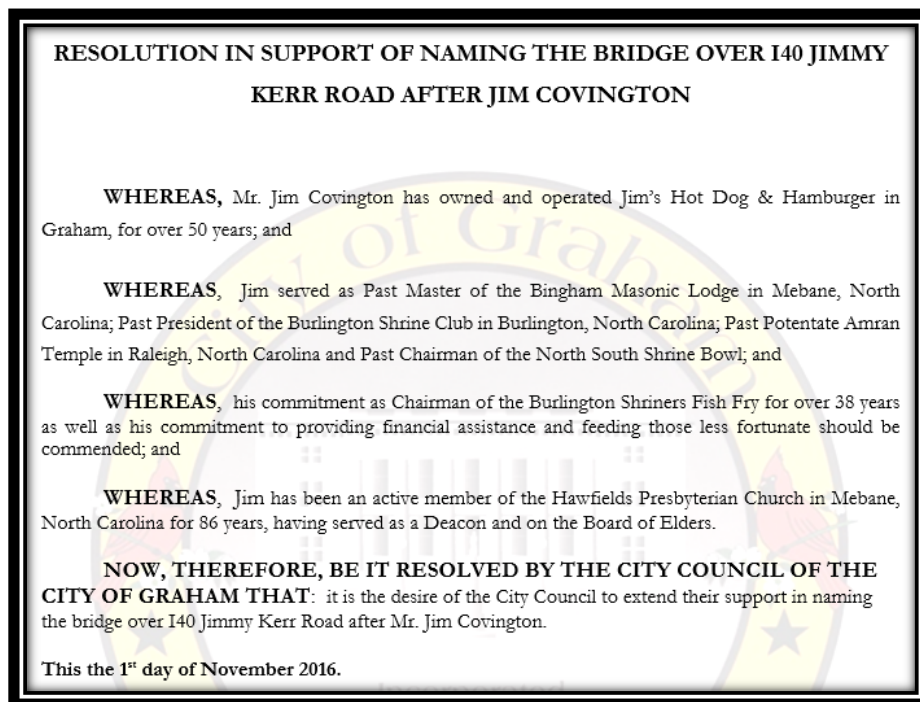
**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Nathan Page, Planning Director  
Keith Whited, City Attorney  
Melody Wiggins, Recreation & Parks Director

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

**Consent Agenda:**

- a. Approval of Minutes – October 4, 2016 Regular Session*
- b. Honorary Resolution of Support*



Mayor Peterman asked to pull item “b. Honorary Resolution of Support” from the Consent Agenda. Mayor Pro Tem Jimmy Linens made a motion to approve item “a” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

Mayor Peterman read and presented the Resolution of Support to members of Mr. Jim Covington's family. Council Member Chip Turner made a motion to approve item "b" on the Consent Agenda, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

### **Recommendations from Planning Board:**

- a. **Public Hearing: Peak Resources (CR1401\_A1). Request to change the approved Conditional Zoning site plan to permit a fence along North Main Street and remove front steps***

Planning Director Nathan Page advised that the applicant had withdrawn this request after public notice had been given, thus prompting Council to formally accept the withdrawal. Council Member Griffin McClure made a motion to accept the withdrawal, seconded by Council Member Turner. All voted in favor of the motion.

- b. **Public Hearing: Text Amendments for the City of Graham Development Ordinances:***  
*i. **Overlay Districts (AM1620). Remove the 50% exemption for repainting from the Overlay, as well as to align the prohibited uses between the East Harden Street/Highway 54 and South Main Street/Highway 87 Overlay Districts***

Mr. Page explained that this proposed amendment takes the change that Council made last month to the East Harden Street/Highway 54 Overlay District and applies it to South Main Street/Highway 87 Overlay District. In addition, it is being proposed that Section 10.420, Nonconforming Uses and Situations be removed. Mr. Page stated that the thought behind removing this section is so that if any portion of one's building is to be painted, it would have to adhere to the colors approved in the Overlay District.

Council Member McClure asked for clarification on what the colors might be. Mr. Page referred to and read Section 10.441(c) Building Standards of the Development Ordinance. With no further comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved, that 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: The proposed amendment will promote a more uniform appearance along both of our primary gateways. Council Member McClure seconded the motion and all voted in favor of the motion.

- ii. **Loading Berths (AM1621). Remove the requirement for new construction or renovations to install loading berths***

Mr. Page explained that this was a request by Council Member Kimrey to amend Section 10.240 - Off Street Parking, Section 10.243 - Off-Street Loading in Business and Industrial Districts and Section 10.244 - Additional Parking Requirements for the B-1 District of the Development Ordinance. Staff proposes removing the following language: Where the City Council determines that the off-street parking requirements of this section would impose undue hardship upon development it may reduce or waive off-street parking for that lot. Mr. Page advised he has determined that there are other avenues, such as variances and conditional rezoning's that could address off-street parking and loading berths. Mr. Page stated that this would not preclude someone from installing a loading berth if they wanted one but rather removes the requirement to do so.

Council Members and Staff had a general discussion about the B-1 District and how this might apply to parcels who may have access to a public alley, as well as, how many public and private alleys there are in the B-1 District. Mr. Page advised that it is sometimes difficult to differentiate between what is considered to be public versus private alleys when looking at land records that might very well be from the mid 1850's.

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

Council Member Kimrey disclosed that he has a financial interest in a project that he initially thought might force him to recuse himself from this vote, however, after doing his due diligence and consulting with Staff and his own attorney, the alley in which he was researching proved to be private and not public. Council Member McClure disclosed that he believed that he may potentially have a financial interest in a project affected by this change and asked to be recused. Mayor Pro Tem Linens made a motion to recuse Council Member McClure, seconded by Council Member Turner. All voted in favor of the motion.

Mayor Peterman re-opened the Public Hearing by request of Tom Boney of the Alamance News. Mr. Boney inquired as to the location of the project Council Member Kimrey referred to. Council Member Kimrey stated it was where Carver's Restaurant used to be located. Mr. Boney stated that the alley behind that parcel is also the same alley behind the parcel he owns and said it's his belief that is a public alley. Council Member Kimrey and Staff advised that it is private. Mayor Peterman closed the Public Hearing once again.

Mayor Peterman made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

Council Member Turner made a motion to have Council Member McClure re-join the proceedings, seconded by Mayor Peterman. All voted in favor of the motion.

### **Boards & Commissions Appointments:**

#### ***a. Historic Resources Commission Appointment (1 Vacancy)***

Mayor Pro Tem Linens made a motion that Ms. Denise Baker be appointed to fulfill the vacancy on the Historic Resources Commission, seconded by Council Member McClure. All voted in favor of the motion.

### **Business Beautification Grant:**

#### ***a. Approve Resolution***

Assistant City Manager Aaron Holland advised that at the October 4, 2016 City Council meeting, the Council and Staff discussed the potential of creating and offering a grant opportunity for nonresidential properties within the city. It was the general consensus of the Council to move forward with a resolution and formal application to be considered at tonight's meeting for the establishment of the Business Beautification Grant Program.

He added that the program intends to offer financial assistance in the form of a grant to nonresidential property owners and is to be used to help offset the cost of improving the street-side appearance of existing buildings and site features in accordance with current regulations.

Projects are funded up to a 50% match with the maximum City contribution being \$5,000. Site work eligible for funding includes, but is not limited to: installation of public or handicap accessible sidewalks, signage and landscaping. Funding may also be used toward the removal of non-conforming or illegal site elements such as signage. The Council requested that the grant program be modeled similar to the existing Façade Grant Program with the Graham Appearance Commission administering the program.

Council Members and Staff discussed that upon approval, this program would become effective November 1, 2016. Council requested that the grant program be modeled similar to the existing Façade Grant Program with the Graham Appearance Commission administering the program. Council Members directed Staff to advise the Appearance Commission that they would like to see a deadline given for applications to ensure that all projects are considered at the same time and funds distributed accordingly.

Ms. Jan Searls, 526 E. Pine Street Graham and Co-Chairman of the Appearance Commission, stepped forward and voiced approval for this program.

Ms. Grace Baldwin, 900 East Hanover Road Graham and member of the Appearance Commission, stepped forward to encourage the Council to address the appearance of the Graham Historical Museum.

Council Member McClure made a motion to approve the Resolution establishing the City of Graham Business Beautification Grant Program, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

**RESOLUTION ESTABLISHING THE BUSINESS BEAUTIFICATION GRANT PROGRAM**

**WHEREAS**, the Graham City Council strongly supports the beautification and enhancement of the of the City and has determined that it is in the best interest of the residents to establish a Business Beautification Grant Program; and

**WHEREAS**, the Business Beautification Grant is a matching grant program designed to encourage private investment through the renovation and rehabilitation of existing properties within the corporate limits of Graham.

**NOW, THEREFORE, BE IT RESOLVED** by the Graham City Council that a Business Beautification Grant Program is hereby authorized and established, and shall include the following criteria at a minimum:

1. Eligible properties must be nonresidential and within the corporate limits;
2. Current or proposed uses of the property must conform to applicable zoning regulations and non-conforming uses are not eligible;
3. Applicant shall not have any outstanding debt to the city and must be in good standing with all city departments;
4. Eligible projects must improve the street-side appearance of existing buildings and site features which include but are not limited to: installation of public or handicap accessible sidewalks, signage, and landscaping. Funding may also be used toward the removal of non-conforming or illegal site elements such as signage;
5. Grants are limited to 50% of the project cost with the maximum City contribution being \$5,000.

**BE IT FURTHER RESOLVED** that the City of Graham Appearance Commission is charged with administering the Business Beautification Program.

Adopted this 1<sup>st</sup> day of November 2016.

***b. Approve Budget Amendment***

City Manager Frankie Maness requested that \$15,000 be allocated towards the Business Beautification Grant Program for this Fiscal Year and in order to effectuate that, he is proposing a Budget Amendment that would appropriate \$15,000 from the General Fund Balance to the Business Beautification Program.

Council Member Turner made a motion to approve the 2016-2017 Budget Ordinance Amendment to provide \$15,000 in funding for the City of Graham Business Beautification Program, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2016 - 2017 Budget Ordinance shall be and is hereby amended as follows:

<b>Section 1: General Fund Expenditures</b>				
		APPROVED	AMENDED	DIFFERENCE
10-6600-5750 Business Beautification Grant		0	15,000	15,000
<b>Section 2: General Fund Revenues</b>				
10-3900-0000 Fund Balance		892,000	907,000	15,000

This the 1<sup>st</sup> day of November, 2016.

**The Park on Jim Minor Road:**

***a. Approve Recommended Name of New Park***

Recreation and Parks Director Melody Wiggins advised that the Recreation and Parks Commission was tasked with coming up with a name for the new park on Jim Minor Road. She stated that while several names were considered, by consensus, the Commission is recommending the new park be known as the Graham Regional Park.

Council Members and Staff discussed the ability to change the name of this park in the future, should Council choose to do so. Ms. Wiggins advised that the proposed signage for the park entrance will be of such that will allow for renovations that will not have much of a fiscal impact on the City. She added that in order to open the park and satisfy grant requirements at this time and for future grant applications, the park needs a name now. Ms. Wiggins stated that should Council wish to change the name at some point in the future, there would be no adverse effect on the grant application process. Council Members commended Ms. Wiggins on all of her hard work in bringing this park to fruition.

Council Member Turner made a motion to name the new park on Jim Minor Road, temporarily, the "Graham Regional Park", seconded by Council Member Kimrey. All voted in favor of the motion.



## **Connect NC Grant:**

### ***a. Authorization to Make Application for Grant Funds***

Ms. Wiggins explained that she is requesting Council's permission for Staff to apply for a grant through the Connect NC Bond Grant Program. She added that this is a one-time grant that requires at least a 20% match by the City and has a maximum award of \$500,000.00.

Council Members and Staff discussed the timeline for this grant as well as parking and amenities should the City be awarded grant monies.

Council Member McClure made a motion to authorize the Recreation and Parks Department Staff to apply for the Connect NC Bond Grant for an inclusive playground, seconded by Council Member Kimrey. All voted in favor of the motion.

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

Mayor Peterman asked Ms. Wiggins and Recreation and Park Program Supervisor Brian Faucette to convey his gratitude to their Staff for the fantastic job they did with the First Annual Halloween Bash.

Ms. Baldwin passed out literature from the Montford Point Marines and asked Council to consider expanding the Graham Historical Museum to include information and items pertaining to this period of time in our history. She suggested that the City open a gift shop at the Museum. She also gave a brief history of the Freeland Cemetery located at 802 Sycamore Road.

Council Member Kimrey advised that at the last TAC meeting, he presented the Resolution Withdrawing Support for the Proposed Southern Loop that Council approved at last month's meeting. He stated he inquired as to what the next course of action would be and that DOT representatives indicated that because of the importance of having a bypass route, they would determine a location for other possible routes. Council Member Kimrey expressed the Council's desire that the route be outside of the City's jurisdiction.

Mr. Page reiterated Mayor Peterman's comment about the Halloween Bash and said that was the most people he has seen in downtown Graham at one time.

City Attorney Keith Whited updated Council on the progress of the Cooper Estates Assessment Foreclosure proceedings.

Mayor Pro Tem Linens asked Mr. Maness about the status of the Welcome to Graham sign proposed earlier this year. Mr. Maness explained that we appropriated funds in last year's budget for an entrance sign on Highway 54, but when the project was halted, funds were not appropriated this year. Mayor Pro Tem Linens stated that he feels we need some sort of signage and Staff was asked to look into alternative sign options.

Council Member McClure agreed with Mayor Pro Tem Linens that the City needs signs and he thanked Alamance Arts for having the Chihuly exhibit on display for the past four months. He stated that over 27,000 people from 27 countries and all 50 states visit the exhibit.

Council Member Kimrey asked Mr. Maness for an update on the new animal shelter costs. Mr. Maness said he hopes to revisit this before the next budget cycle. Mr. Maness said he has received calls from several of his colleagues, and citizens alike that have concerns about what they are paying now that there is a greater understanding of cost sharing. Council Member Kimrey stated that there is still discussion out in the communities about how unfair the cost of maintaining the facility is to the cities.

At 8:15 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, December 6, 2016, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Jimmy Linens  
Council Member Griffin McClure  
Council Member Chip Turner  
Council Member Lee Kimrey

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Keith Whited, City Attorney

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

**Honorary Presentation:**

➤ *Give a Child a Smile*

Ms. Tammy Harton and Ms. Kiya Gordon spoke of the program they co-founded, which raises awareness to stop child abuse. The organization's goal is to provide abused and neglected children with a stuffed animal that is purchased through donations made. They encouraged Council Members and those in attendance to consider making a donation. Mayor Peterman invited both to the January meeting, allowing Council Members to be prepared to make a personal donation if they so choose.

**Consent Agenda:**

- a. Approval of Minutes – November 1, 2016 Regular Session*
- b. Tax Releases and Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
578264	2016	ORDONEZ, DORIS A	SOLD MOBILE HOME	4.55

**CITY OF GRAHAM  
REFUNDS**

**DECEMBER COUNCIL MEETING**

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
3851	2016	CHILDRESS, CONSTANCE R	QUALIFIED FOR HOMESTEAD EXEMPTION	243.61
238420	2016	STOKES, WILLIAM THOMAS IV	BOAT LISTED IN HORRY COUNTY	45.41
238420	2016	STOKES, WILLIAM THOMAS IV	BOAT MOTOR IN HORRY COUNTY	10.37
238420	2015	STOKES, WILLIAM THOMAS IV	BOAT LISTED IN HORRY COUNTY	53.90
238420	2015	STOKES, WILLIAM THOMAS IV	BOAT MOTOR IN HORRY COUNTY	11.41

***c. Approve Easement to Duke Energy at Graham Regional Park***

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

**Requests and Petitions of Citizens:**

***a. Petition for Contiguous Annexation at Jimmie Kerr Road (AN1603):***

Assistant City Manager Aaron Holland explained that this is an application to annex property that belongs to Alamance Community College (ACC), located at 1247 Jimmie Kerr Road (29.74 acres) into the City of Graham. He further stated that ACC is growing and are starting to build on portions of their property which extend beyond our City limits. Mr. Holland added that this is the first step in the annexation process which would require approval of the following:

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

Following a brief discussion between Council Members and Staff, Ms. Cindy Collie, 2972 Maddie Florence Drive Graham and representing Alamance Community College, stepped forward to answer questions from council. With no questions forthcoming, Mayor Pro Tem Linens made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for the property on Jimmie Kerr Road, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-31**  
**FOR PROPERTY ON JIMMIE KERR ROAD**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on November 21, 2016, 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.

Mayor Pro Tem Linens made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for the property on Jimmie Kerr Road – the date being January 3, 2017, seconded by Council Member Chip Turner. All voted in favor of the motion.

**RESOLUTION FIXING DATE OF PUBLIC HEARING**  
**ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31**  
**FOR PROPERTY ON JIMMIE KERR ROAD**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00pm on January 3, 2017.

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

Lying and being in the County of Alamance and being currently known as a portion PID 152801 and all of PID 152800 and being the same parcels as conveyed to Alamance Community college by Deed Book 549 Page 313, Deed Book 709 Page 712 and Deed Book 849 Page 125 and being more particularly described as follows to wit:

Commencing at NCGS Monument "HESS" bearing NC Grid coordinates of N:844,225.05 and E:1,895,704.03 and running thence S 36°02'03"W 2631.85' to a found ½" iron pipe with said iron pipe being the Point Of Beginning and being located in the southern line of the property of Alamance Community College recorded in Deed Book 512 Page 132 and the current line of the City of Graham as represented on the Alamance County GIS system, and bearing NC Grid Coordinates of N:842,096.86 and E:1,894,155.87, said iron also marking the western edge of a 60' Right of Way of Jimmie Kerr Road; thence leaving said Point of Beginning S68°46'57"E 30.05' to a point in the center of Jimmie Kerr Road (S.R.1928); thence along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S06°08'32"W 298.00' and a radius of 739.71' to a point, said point also marking the northeast corner of the property of Alamance Community College recorded in Deed Book 709 Page 712 and Map Book 42 Page 188; thence continuing along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S09°35'48"E 105.19' and a radius of 733.84' to a point; thence S13°42'01"E 97.82' to a point; thence leaving said center of road N76°01'21"W 33.62' to a found ½" pinch iron pipe located in the western edge of the 60' right of way of Jimmie Kerr Road, thence continuing along the western right of way edge of said road S13°47'02"E 76.16' to a point, thence along a curve to the right having a chord bearing and distance of S04°43'03"W 203.22' and a radius of 649.14' to a point, thence along a curve to the right having a chord bearing and distance of S12°11'05"W 193.67' and a radius of 705.41' to a found ½" iron pipe marking the southeast corner of the property of Alamance Community College recorded in Deed Book 849 Page 125 and Map Book 49 Page 15 and bearing NC Grid coordinates of N:841,133.31 and E:1,894,154.06; thence leaving the western edge of said right of way and running along a common line with the property of David K. Naylor 2014 Trust described in Deed Book 3369 Page 927 N78°45'04"W the following 5 distances, 252.47' to a found ½" iron pipe, thence 159.55' to a found ½" pinch iron pipe, thence 285.24' to a found ½" pinch iron pipe, thence 749.69' to a found ½" pinch iron pipe bearing NC Grid coordinates of N:841,415.54 and E:1,892,734.99 and continuing 30.00' to a point located at the top of bank of the

Haw River, the south west corner of the property described in Deed Book 849 Page 125 and Map Book 49 page 15, thence with the top of bank of the Haw River the following 7 calls; N25°32'35"E 123.27' to a point, thence N27°42'05"E 349.16' to a point, thence N24°46'11"E 64.97' to a point, thence N24°55'54"E 186.30' to a point, thence N24°55'49"E 49.96' to a point, thence N25°15'09"E 343.05' to a point, thence N18°18'54"E 42.01' to a point being the north west corner of the property described in Deed Book 549 Page 313, thence leaving the bank of the Haw River and running with the northern line of Deed Book 549 Page 313 and the current line of the Corporate Limits of the City of Graham as currently represented in the Alamance County GIS system S68°46'57"E the following 3 distances; 29.82' to a found ½" iron pipe bearing NC Grid coordinates of N:842,454.31 and E:1,893,235.18, thence 785.46' to a found ¾" pinch top pipe, thence 202.23' to a found ½" iron pipe and being the Point and Place of Beginning and containing 29.74 Acres+/- as shown on a plat prepared by John P. Scoville III, PLS L-3343 of ESP Associates, P.A., dated September 2<sup>nd</sup>, 2016 and bearing ESP Project Number ET07.800.

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.

### **"Welcome to Graham" Sign Discussion:**

Mr. Holland explained that at the conclusion of last month's City Council meeting, this item was asked to be brought back before Council for discussion. He reminded that this item was initially brought before Council in April 2016 and following discussion of the exemption staff intended to use from the Development Ordinance, Council directed staff to postpone moving forward with the construction of the sign until review of the current sign ordinance had been completed. Mr. Holland advised after discussing this matter with consultants, it would cost the City approximately \$25,000 to update our sign Ordinance and the City was advised not to do that at this time due to pending litigation at the Supreme Court level.

Council Member and Staff held a lengthy discussion about the size, placement and look of the proposed sign while also discussing the possible placement of future signs throughout the City. By consensus, Council asked Staff to proceed with this proposed sign to be located at the corner of Highway 54 and Cooper Road and bring back their proposal and budget amendment at next month's Council meeting.

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

City Clerk Darcy Sperry reminded Council of the City's Annual Christmas Luncheon to be held on December 14, 2016 and the ACC Business Leader's breakfast to be held on December 7, 2016.

Council Member Kimrey inquired as to the current membership guidelines of the Planning Board. City Manager Frankie Maness advised that recently Staff realized that the wording in our Development Ordinance does not specifically state that representation for members representing those in the City of Graham must live within the City limits. Council Members asked Staff to start the proceedings which will amend that section of the Development Ordinance, thereby requiring members representing the City to live within the City's limits.

Council Member Kimrey thanked everyone for the outpouring of support he and his family received during the recent passing of his father, Baker Kimrey.

Council Member McClure advised that there is still time to purchase raffle tickets from the Graham Area Business Association, which will help defray the cost for new Christmas lights.

Mayor Peterman asked Staff to pass along Council's congratulations to the employees responsible for the award recently presented to the City by the Alamance County Beautification Committee.

At 7:52 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk