

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, FEBRUARY 7, 2017  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, February 7, 2017, 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:**

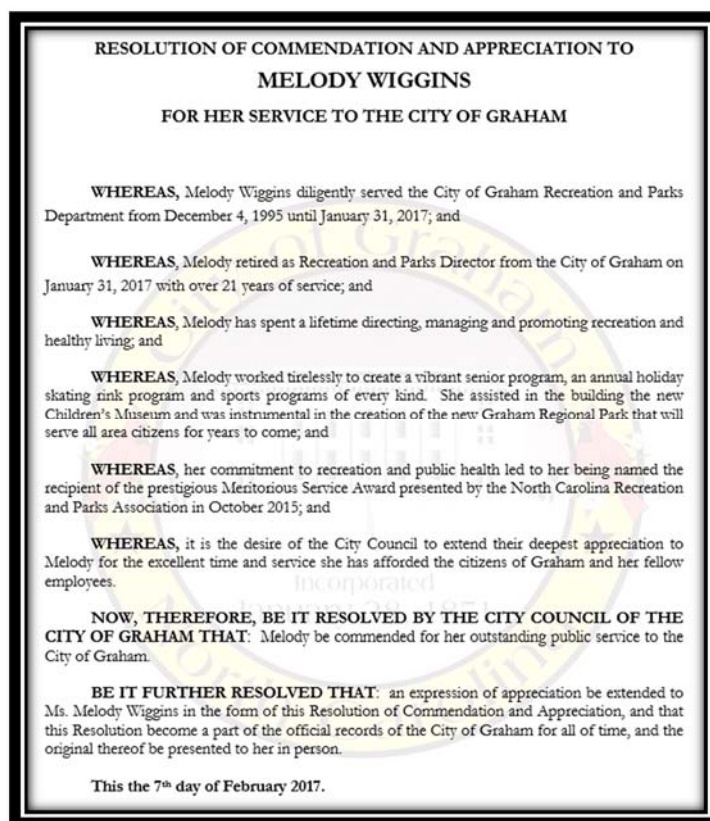
Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Keith Whited, City Attorney  
Brian Faucette, Recreation & Parks Director  
Jeff Prichard, Police Chief

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 Resolution:**

- *Melody Wiggins – Resolution of Commendation and Appreciation for 21 years 2 months service to the City of Graham*

Mayor Peterman presented Ms. Melody Wiggins with a Resolution of Commendation and Appreciation and a gift from the City. He thanked Ms. Wiggins for her dedication to Graham. Ms. Wiggins thanked everyone for their trust in her and support throughout the years.



**Consent Agenda:**

- a. Approval of Minutes – January 3, 2017 Regular Session*
- b. Approval of Amended Minutes – January 5, 2016 Regular Session*
- c. Tax Releases and Refunds*

**CITY OF GRAHAM  
RELEASE ACCOUNTS**

**FEBRUARY COUNCIL MEETING**


| <u>ACCT #</u> | <u>YEAR</u> | <u>NAME</u>        | <u>REASON FOR RELEASE</u> | <u>AMOUNT<br/>RELEASED</u> |
|---------------|-------------|--------------------|---------------------------|----------------------------|
| 140579        | 2016        | FRANK LEE TINNIN   | BOAT WAS DOUBLE LISTED    | 124.67                     |
| 597522        | 2016        | JOSHUA ALLEN KELLY | SOLD BOAT IN 2012         | 3.81                       |

**CITY OF GRAHAM  
REFUNDS**

**FEBRUARY COUNCIL MEETING**

| <u>ACCT #</u> | <u>YEAR</u> | <u>NAME</u>        | <u>REASON FOR REFUND</u>          | <u>AMOUNT<br/>REFUNDED</u> |
|---------------|-------------|--------------------|-----------------------------------|----------------------------|
| 623417        | 2016        | BARBARA A COUSINS  | QUALIFIED FOR HOMESTEAD EXEMPTION | 429.00                     |
| 597522        | 2016        | JOSHUA ALLEN KELLY | SOLD BOAT IN 2012                 | 1.48                       |
| 140579        | 2015        | FRANK LEE TINNIN   | DOUBLE BILLED FOR BOAT            | 124.67                     |

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

| <b>City of Graham</b>   |                             |        |                  |
|---|-----------------------------|--------|------------------|
| P.O. Drawer 357<br>201 South Main Street<br>Graham, North Carolina 27253<br>Tel: (336) 570-6700 / Fax: (336) 570-6703   |                             |        |                  |
| <b>MID YEAR REPORT</b>  |                             |        |                  |
| January 30, 2017  |                             |        |                  |
|   | TOTAL PROPERTY<br>VALUATION | RATE   | AMOUNT OF LEVY   |
| TAX LEVY - CITY WIDE  | 987,369,158                 | 0.455% | 4,492,531.77     |
| <u>DISCOVERIES:</u>   |                             |        |                  |
| CURRENT YEAR &<br>PRIOR YEARS WITH<br>VARIOUS TAX RATES   | 760,911                     |        | 3,462.13         |
| <u>ANNEXATIONS:</u>   | 140,618                     |        | 426.53           |
| <u>ABATEMENTS:</u>  | (1,347,989)                 |        | (6,515.09)       |
| CURRENT LEVY  | 986,922,698                 |        | 4,489,905.34     |
| OUTSTANDING REAL PROPERTY TAXES:  |                             |        | 319,092.62       |
| OUTSTANDING PERSONAL PROPERTY TAXES:  |                             |        | <u>19,170.03</u> |
| TOTAL OUTSTANDING TAXES   |                             |        | 338,262.65       |
| CURRENT YEAR TAXES COLLECTED:   |                             |        | 4,151,642.69     |
| TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:   |                             |        | 92.47%           |
| I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 16, 2017 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    |                             |        |                  |

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

*f. Recommend the Alamance County Board of Commissioners appoint Barry Hicks to fill the Extra Territorial Jurisdiction (ETJ) vacancy on the Graham Planning Board and Board of Adjustment*

*g. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*

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

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

***a. Public Hearing: S. Main B-2 (RZ1607). Request by Jonathan Zachary to rezone property located at 918 S. Main Street from R-MF Residential District (multi-family) to B-2 General Business District***

Assistant City Manager Aaron Holland explained that this is a request by Mr. Jonathan Zachary to rezone the rear portion of the property located at 918 S. Main Street from Residential Multi-Family to General Business. Mr. Holland reminded Council that in 2013, Council approved a rezoning request to changing the front portion of the property from R-12 to B-2.

Following a brief discussion between Council Members and Staff with regards to transitional buffer areas between business and residential development, Mayor Peterman opened the Public Hearing.

Mr. Zachary of 707 N. Wilba Road Mebane, stepped forward to address Council. Mr. Zachary stated that he has been unable to sell this property since 2010. He stated that the current split zoning is not appealing to potential buyers. He and his family believe the property would be more marketable if it were all zoned B-2.

Ms. Robin Hendricks stepped forward to speak on behalf of Mr. Zachary. She asked Council to look at the zoning for other parcels close to this property and the lack of a transitional area. Council advised that this is why our current Comprehensive Plan emphasizes a buffer, as it wasn't always done in the past.

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

Council Members discussed that zoning this property Office and Institutional might be an option for Mr. Zachary. Mayor Pro Tem Linens expressed concern that by not approving Mr. Zachary's request for B-2 zoning, Council is adding to the family's difficulty of selling the property. He stated that he feels the City should be willing to help the family. Council Members asked Mr. Zachary if he would consider O-I and after discussing it with family members in attendance, he advised that he still thinks it would be difficult to sell the property with the limits O-I would entail.

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

***b. Public Hearing: Longdale Residential (RZ1608). Request by Joe Sizemore to rezone property located on Longdale Drive from R-18/R-12 Residential (low/medium density) to R-9 Residential (high density)***

Mr. Holland explained that this is a request by Mr. Joe Sizemore to rezone 34.8 acres of split zoned property located on Longdale Drive from R18/R12 to R-9. He added that the property is currently vacant and wooded and water and sewer services are available.

Council Members and Staff discussed the topography of this property as well as possible connectivity issues with the western portion of this property. Mr. Holland advised that a portion of this property is within the City limits, with the remainder of the parcel being in the ETJ (Extra Territorial Jurisdiction). Mayor Peterman opened the Public Hearing.

Mr. Larry Carroll of Keller Williams and Mr. Joe Sizemore of 5648 Mt. Hermon Rock Creek Road Snow Camp stepped forward to address Council. Mr. Carroll advised that Mr. Sizemore does have a potential buyer for this property and that buyer has plans to develop the portion within the City limits. 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 reason: It extends our tax base in an area that has already been planned for residential development. Council Member Turner seconded the motion and all voted in favor of the motion.

***c. Public Hearing: PB Residency (AM1622). Request by City Council to require members of the Planning Board to reside within the corporate limits of Graham N.C.***

Assistant City Manager Aaron Holland explained that at last month's Council meeting, Council asked Staff to look into adding a residency requirement for Planning Board members to the Development Ordinance that would mirror that of the Board of Adjustment. Staff is proposing the following amendment to the Ordinance:

***There is hereby created a planning board, referred to in this article as the "board," to be composed of seven members, five residents and citizens of the City of Graham, appointed by the city and two members appointed by the county commissioners to represent the extraterritorial area.***

Council Members and Staff discussed being consistent with all of the City's boards and commissions and the impact of having non-residents serve on our boards and commissions. Mayor Peterman opened the Public Hearing.

Mr. Jason Cox of 200 N. Main Street Graham stepped forward to address Council. Mr. Cox encouraged Council to consider allowing real property owners within the City limits to serve on the Planning Board. Mayor Peterman advised that Council cannot consider that tonight, as the Public Hearing notice did not contain such language.

Ms. Jeanette Beaudry of 308 E. Harden Street Graham stepped forward and encouraged Council to approve the proposed text amendment presented by Staff.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward and advised that he currently is a member of the Planning Board and Board of Adjustment. He expressed concern that a residency requirement might limit finding qualified candidates to serve on the Planning Board. If Council should approve this amendment, Mr. Hall asked that they consider allowing Mr. Andy Rumley, who recently moved outside the City limits and the City's ETJ area, to finish his term that expires June 30, 2018.

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

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

Council Member Kimrey asked Mr. Holland to look into future language that might include allowing someone with vested interest to serve on the Planning Board. Council Members asked City Attorney Keith Whited if there was any reason Mr. Rumley would not be allowed to finish his term.

Mr. Whited advised that Mr. Rumley can finish his term if Council so chooses. By consensus, Council Members agreed that Mr. Rumley should be allowed to finish his current term.

### **Boyd Creek Pump Station Project:**

#### ***a. Approve Amendment #1: Project Budget for Boyd Creek Pump Station***

City Manager Frankie Maness explained that Boyd Creek Pump Station Project is actually two projects in one. The first, and most significant, being the replacement of the Boyd Creek Pump Station. The second, and smaller part of the project, is an upgrade to the Back Creek #2 lift station. This secondary project is the purpose of the requested budget amendment. He added that the original project budget was adopted in July of 2015, but only included funds for preliminary engineering and design services. An appropriation of \$475,000 from fund balance in the Water and Sewer Fund is required to complete the project.

Following a general discussion consisting of financing and grant funds availability, Mayor Pro Tem Linens made a motion to approve Amendment #1 to the Boyd Creek Pump Station project budget, seconded by Council Member Kimrey. All voted in favor of the motion.

### **AMENDMENT #1 CAPITAL PROJECT ORDINANCE BOYD CREEK PUMP STATION**

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

- Section 1. The Project authorized is Boyd Creek Pump Station.
- Section 2. The officials of the City of Graham are hereby directed to proceed with this program within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:
- |  |           |
|--|-----------|
| Proceeds from Water/Sewer Fund Balance | \$650,000 |
|--|-----------|
- Section 4. The following amounts are appropriated for this project:
- |                            |                  |
|----------------------------|------------------|
| Professional Services      | \$220,000        |
| Back Creek #2 Construction | <u>\$430,000</u> |
|                            | \$650,000        |
- 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 7<sup>th</sup> day of February, 2017.

***b. Award Contract for Back Creek #2 Pump Station Upgrades***

Mr. Maness advised that last week, the City received bids and the lowest responsive bidder was Shiloh Utilities, Inc. with a bid of \$382,000. Mr. Maness stated that Alley, Williams, Carmen & King (AWCK) has worked with this company in the past and feels comfortable with recommending Council award this contract to them.

Council Members expressed some concern with Shiloh's bid being considerably less than those of the other two companies who submitted bids. Mr. Mark Averette from AWCK stepped forward and advised Council when he spoke with the Shiloh representative after the bid opening, Shiloh feels confident that they will come in on budget with this project.

Council Member McClure made a motion to award the contract for Back Creek #2 Lift Station Upgrades to Shiloh Utilities Inc. and authorize the Mayor, City Manager, City Attorney and City Clerk to execute the contract on behalf of the City, seconded by Council Member Turner. All voted in favor of the motion.

**City Tree Status Report:**

Mr. John Sugg gave a presentation to Council regarding a tree inventory and analysis done by himself, Staff and members of the Tree Board. The project was funded in part by a matching grant from the North Carolina Department of Agriculture & Consumer Services and the North Carolina Forest Service. Mr. Sugg touched on why the inventory is needed, the advantages of the inventory, data collection and inventory methods and the overall health of the trees in the study.

Council Members asked Mr. Sugg if our downtown area has as many trees as those other cities he has inventoried. Mr. Sugg stated that he would say that Graham is average to above average on the number of trees in the downtown area.

Mayor Peterman thanked Mr. Sugg, City Staff and members of the Tree Board for their work with this project.

**Electric Vehicle Charging Station:**

***a. Authorize City Manager to accept \$10,000 in reimbursement from Duke Energy Carolinas LLC***

Mr. Holland explained that in August of 2016, City staff applied for and was recently awarded \$10,000 from Duke Energy to install a dual port electric charging station. The approved site for the station is located in the City parking lot at the corner of E. Elm Street and Marshall Street. He added that the City would be reimbursed up to the approved awarded amount of \$10,000 by Duke Energy. After year one, there will be an additional network fee that will be addressed through future year operating budget requests.

Council Members and Staff spoke about costs associated with the station, whether or not to charge those who use the station and the use of the station as a marketing tool to bring people into the downtown area. Mr. Holland advised that based on the research he has done thus far, there may be an additional \$100-\$200 cost associated with getting power to this location that might be above the \$10,000 grant amount awarded to the City. He stated that it was Staff's initial thought to not charge the user at this time, however, a credit card machine could be installed at the charging station.

Ms. Beaudry stepped forward to encourage Council to charge the users and have an enforcement plan in place should someone park their car in one of the spots for longer than it takes to charge it.

Ms. Jan Searls of 526 E. Pine Street Graham expressed approval of the station, adding that in today's society, if you can get Graham on an app, people will remember Graham.

Mr. Maness advised that the ability to accept credit cards can be very expensive to the City and we may end up in a situation where we pay more in credit card associated fess than we would for the electricity used and charged for.

Council Member McClure made a motion to approve the resolution authorizing the City Manager to accept \$10,000 in reimbursement grant funds from Duke Energy Carolinas LLC and review the agreement in one year, seconded by Council Member Turner. All voted in favor of the motion.

**RESOLUTION AUTHORIZING ACCEPTANCE OF ELECTRIC VEHICLE GRANT FUNDS  
FROM DUKE ENERGY CAROLINAS, LLC**

**WHEREAS**, Duke Energy is required to spend \$3,000,000 to implement environmental mitigation projects in the State of North Carolina designed to reduce air emissions from reduced vehicle emissions or reduced use of fossil-fueled electricity generation; and

**WHEREAS**, the City of Graham was awarded \$10,000 from Duke Energy Carolinas, LLC to install a dual port electric charging station to be located in the City parking lot at the corner of E. Elm Street and Marshall Street;

**WHEREAS**, the proposed Electric Vehicle Charging Infrastructure Support Project is structured to provide direct financial support to Duke Energy customers who wish to install and own charging stations at locations where an EV can be charged for several hours.; and

**WHEREAS**, local businesses can benefit by capturing electric vehicle driver dollars as they spend money in the downtown while waiting for their vehicles to charge;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT** the City Manager is authorized to accept a payment of \$10,000 from Duke Energy Carolinas, LLC that will be utilized to pay the installation of a plug-in electric vehicle charging station.

Adopted this the 7<sup>th</sup> day of February, 2017.

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

Mr. Edward Garner of 507 Washington Street Graham expressed concern with speeding vehicles in front of his home. Mayor Peterman asked Police Chief Jeff Prichard to look into whether or not additional stop signs in that area may help with traffic speed.

Council Member Kimrey asked Recreation and Parks Director Brian Faucette if we take into consideration citizen suggestions for bands when lining up bands for the summer concert series.

Mr. Faucette said he does and will continue to welcome all suggestions.



Mr. Maness advised that he is looking at possible dates in March for the annual budget retreat and will have the City Clerk reach out to Council to get their feedback. Mayor Peterman suggested we try and have the retreat this year at the new Oneida Mills Loft Apartments.

Mayor Peterman stated that he feels we are losing employees to the private sector and asked Mr. Maness to look at the current salaries of employees and see what may be done to help with employee retention.

At 9:21 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.

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Darcy Sperry, City Clerk