

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, DECEMBER 6, 2011
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, 2011 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 Jim Albright
Council Member Victor Euliss
Council Member Chip Turner
Council Member Lee Kimrey

Also Present:

Chris Rollins, City Manager
Frankie Maness, Assistant City Manager
Aaron Holland, Planner
Keith Whited, City Attorney
Kimberly Harris, City Clerk

Absent:

None.

Mayor Peterman called the meeting to order at 7:00 p.m.

Mayor Peterman led the City Council in the Pledge of Allegiance and gave the invocation.

OLD BUSINESS –

Approval of Minutes – November 1, 2011 Regular Session

Upon Motion by Council Member Euliss, second by Council Member Turner the Council voted unanimously to approve the Minutes of the November 1, 2011 Regular Session City Council meeting. All aye.

Acceptance of Certificate the Abstract of Canvassing from the Alamance County Board of Elections –

Upon Motion by Council Member Euliss, second by Council Member Albright, the Council voted unanimously to accept the Certificate of the Abstract of Canvassing from the Alamance County Board for the November 8th, 2011 Municipal Election. All aye.

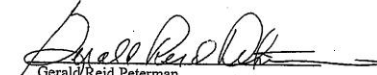
Administer Oath of Office to Re-Elected Mayor Jerry Peterman-

Re-elected Mayor Jerry Peterman was sworn into Office by the City Clerk.

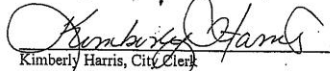
OATH OF MAYOR
CITY OF GRAHAM, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

I, Gerald Reid Peterman, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor, so help me God.


Gerald Reid Peterman

Sworn and Subscribed to Before Me,
The 6th day of December 2011.


Kimberly Harris, City Clerk



Administer Oath of Office to Re-Elected City Council Member Jim Albright -

Re-elected City Council Member Jim Albright was sworn into Office by the City Clerk.

OATH OF CITY COUNCIL MEMBER
CITY OF GRAHAM, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

I, James Monroe Albright, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as City Council Member, so help me God.


James Monroe Albright

Sworn and Subscribed to Before Me,
The 6th day of December 2011.


Kimberly Harris, City Clerk



Administer Oath of Office to Newly Elected City Council Member Baker Lee Kimrey -

Newly elected City Council Member Lee Kimrey was sworn into Office by the City Clerk.

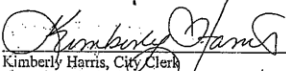
OATH OF CITY COUNCIL MEMBER
CITY OF GRAHAM, NORTH CAROLINA

STATE OF NORTH CAROLINA
COUNTY OF ALAMANCE

I, Baker Lee Kimrey, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as City Council Member, so help me God.


Baker Lee Kimrey

Sworn and Subscribed to Before Me,
The 6th day of December 2011.


Kimberly Harris, City Clerk



Council Member Vic Euliss stepped down at 7:07 p.m. Council Member Lee Kimrey took the bench at 7:08 p.m.

Selection of Mayor Pro Tem -

Council Member Turner stated that Council Member Linens had done a great job and nominated Council Member Linens to be selected for another term as Mayor Pro Tem.

No other recommendations for the seat of Mayor Pro Tem were submitted for consideration.

Mayor Pro Tem stated that he had no problem should someone else wish to serve as Mayor Pro Tem.

Upon Motion by Mayor Peterman, the Council voted unanimously to appoint Council Member Linens to serve a subsequent term as Mayor Pro Tem. Ayes: Mayor Peterman, Council Member Kimrey, Council Member Turner, Council Member Albright. Nays: none. Abstained: Mayor Pro Tem Linens.

Establish Regular Session Monthly Meeting Date and Time –

Upon Motion by Council Member Albright, second by Council Member Kimrey, the Council voted unanimously to keep the Regular Session City Council Meetings at 7:00 p.m. on the first Tuesday of each month. All aye.

Appoint City Attorney –

Upon Motion by Mayor Peterman, second by Council Member Turner, the Council voted to re-appoint Keith Whited to serve another term as City of Graham City Attorney. All aye.

Presentation by Willie Mae Currin Honoring Exiting City Council Member Vic Euliss –

Ms. Currin was not yet present at the time of presentation so Mayor Peterman presented exiting City Council Member Vic Euliss with a framed picture with commemorative plaque of each term he had served the City of Graham as a City Council Member and Mayor.

Former Council Member Euliss stated that it was a privilege to serve the City of Graham as Mayor, Council Member and Fire Fighter. He stated that he had turned-in his resignation as Volunteer Fire Fighter the previous week. He exclaimed that it had been a “good ride” and that he would choose to go out quietly. He stated that the City of Graham has a very good fire department and that it was his privilege to serve with them as well. He closed with saying that “he called it as he saw it and he saw it as his God had led him”.

Council Member Albright said that it had been an honor to serve on the Council with Vic Euliss, “The Legend”.

CONSENT AGENDA:**November 2011 Tax Releases and Refunds –**

**CITY OF GRAHAM
RELEASE ACCOUNTS**

DECEMBER

<u>ACCT #</u>	<u>YEAR</u>	<u>RECIPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
8028	2011	7673	THOMAS, HELEN JEANETTE	RE	QUALIFIED FOR HOMESTEAD EXEMPTION	295.94
107764	2011	5383	MORALES, EPIFANION CORRAL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM	16.28
138165	2009	4124	JIMNEZ, FELIPA RAMIREZ	PP	DID NOT OWN MOBILE HOME	4.90
138165	2010	4145	JIMNEZ, FELIPA RAMIREZ	PP	DID NOT OWN MOBILE HOME	4.90
138165	2011	4093	JIMNEZ, FELIPA RAMIREZ	PP	DID NOT OWN MOBILE HOME	4.84
148273200	2007	17674	MORALES, EPIFANION CORRAL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM	22.38

TOTAL RELEASES 349.24

**CITY OF GRAHAM
REFUNDS**

DECEMBER							AMOUNT
ACCT#	YEAR	RECEIPT	NAME	RE/PP	REASON FOR REFUND		REFUNDED
148273200	2005	5408	MORALES, EPIFANION CORRALL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM		30.89
148273200	2006	4042	MORALES, EPIFANION CORRALL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM		25.54
107764	2008	5428	MORALES, EPIFANION CORRALL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM		21.89
107764	2009	5383	MORALES, EPIFANION CORRALL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM		18.91
107764	2010	5439	MORALES, EPIFANION CORRALL	PP	CODED WRONG BY ALA CO, NOT IN CITY OF GRAHAM		17.71

TOTAL REFUNDS 114.94

Upon motion by Mayor Pro Tem Linens, Second by Council Member Albright, the Council voted to approve the Consent Agenda. All aye.

Mayor Peterman called Agenda Item 14 next.

Amend City of Graham Traffic Schedules - Section 12. Stop Intersections: Ward Street at Home Avenue and Home Avenue at Banks Street.

Chief Prichard presented the request to amend the City of Graham Traffic Schedules *Section 12. Stop Intersections: Ward Street at Home Avenue and Home Avenue at Banks Street*. He explained that they had received several speeding complaints for Ward Street. After conducting a traffic study and speaking with several neighbors, it is the recommendation of the Police Department to erect 2 stop signs on Ward at Home Street which; creating a 3-way stop intersection. He additionally recommended that the intersection of Home and Banks be made into a 4-way intersection.

Council Member Kimrey stated that Banks Street is an extremely short street with a hill and inquired of the Chief if there had been several situations for possible accidents in that area. Chief Prichard said that he was almost in an accident at this location himself when he came over the hill.

Chief Prichard further explained that he had also received numerous complaints of cars traveling at unsafe speeds over the hill on Home from W. Pine Street but does not recommend speed humps being installed.

Mayor Pro Tem Linens stated that he was concerned about the speeding in Graham and he doing what is needed to slow-down speeding.

Mayor Pro Tem Linens directed the Police's Chief attention to the same general area of Pine Street where there is a yield sign at the cut-thru to Home Avenue; he suggested that the stop sign be replaced with a yield sign because people do not stop at that intersection, they currently slow-down and yield.

Mayor Peterman asked the Police Chief to look into Mayor Pro Tem Linen's request and return to Council at a later date.

Upon Motion by Council Member Turner, second by Mayor Pro Tem Linens the Council voted to amend the City of Graham *Traffic Schedules - Section 12. Stop Intersections*: by adding a stop sign at Ward Street at Home Avenue and Home Avenue at Banks Street. All aye.

Adopt Resolution Approving City of Graham 2007 Local Water Supply Plan –

Assistant City Manager Maness presented the request to adopt the resolution approving City of Graham 2007 Local Water Supply Plan explaining that the resolution seeks to approve the City of Graham 2007 Local Water Supply Plan. Approval of the resolution by the City Council is required to finalize the 2007 update process.

State law requires that all water systems establish a Local Water Supply Plan (LWSP) and update the plan at least every five (5) years. LWSPs require a water system to evaluate its water sources and capacity, distribution and collections system, as well as current and future demands. The City of Graham submitted its 2007 LWSP Update in June 2008 and now has received State approval of the plan.

He stated that the City Staff recommends approval of the Resolution.

Mayor Peterman asked if the Council had any questions. No questions were forthcoming.

Mayor Peterman asked if anyone from the floor had any questions, none were forthcoming.

Mayor Peterman asked why it took the State so long to approve the 2007 Local Water Supply Plan. Assistant City Manager Maness responded that the City submitted the plan in 2008 and it has taken the State this long to approve.

Upon Motion by Council Member Albright, second by Council Member Kimrey the Council voted to adopt the Resolution approving the 2007 Local Water Supply Plan. All aye.

RESOLUTION APPROVING CITY OF GRAHAM 2007 LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Graham, has been developed and submitted to the City Council for approval; and

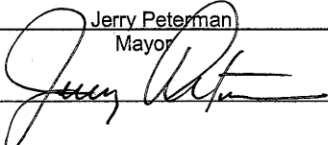
WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Graham, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the Local Water Supply Plan entitled City of Graham 2007 Local Water Supply Plan Update, dated June 30, 2008, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 6th day of December, 2011.

Name: Jerry Peterman
Mayor

Signature: 

Discuss Residential Recycling Contract –

City Manager Rollins explained that the City of Graham currently has a recycling contract with Tidewater Fibre Corporation d/b/a TFC. The contract with TFC began in 2006 and currently the City is paying TFC a monthly rate of \$2.50 per household to pick up recyclables in a 20 gallon container every other week. The City of Graham has piggy-backed the recycling contract with the City of Burlington for the past 10 years. The City of Burlington has recently accepted bids to change out to a large recyclables container rollout cart from their current 20 gallon container. The larger containers are 95-96 gallon carts and are the same size container as Graham's current garbage containers.

City Manager Rollins explained that when recyclables are removed from the garbage collection the City no longer has to pay garbage tipping fees at the landfill and that the City Burlington received a good response from bidders. Each Vendor had an option to bid only pickup or pickup and supply of the recyclable containers.

The lowest bidder was Waste Industries, a company with a local office in Graham. Waste Industries is headquartered in Raleigh, NC and handles garbage and recyclable pickup throughout the State of North Carolina. Waste Industries' bid came in at \$1.04 if the City supplies containers and \$2.36 if Waste Industries supplies containers.

Currently the City supplies the garbage containers to citizens at pricing that varies due to the resin market. Currently cans are bulk pricing out at \$51.00 each and can be as high as \$55.00. Under the City's current contract, if the City buys just 25 to 50 cans at a time the City pays \$65.87 each and if the City buys all of the cans it would cost \$239,190.00. With Waste Industries, if the City purchases the cans and use the \$1.04 pickup rate beginning 7/01/2012, the City would save and pay for the cans in approximately 2.2 years. It would be a 5 year contract with Waste Industries which can be extended 1 year at a time for a maximum of 5 years. The contract would increase with the CPI and include a fuel surcharge. Waste Industries picks up recyclables in the City of Mebane, City of Apex and multiple Cities and Counties in North Carolina. The City of Burlington after having met with Waste Industries and reviewed their plans to purchase trucks, hire people, and start the recycling contract, are very convinced that Waste Industries can meet the requirements of the contract. City Manager Rollins stated that he had spoken with Waste Industries and they did verify and are very willing to have the City of Graham piggyback the contract with the City of Burlington.

The City of Graham currently charges residents \$2.36 per month for recycling pickup and the City is paying \$2.50 per month to TFC. The State has a grant program for cities in North Carolina that are moving away from small bin pickup to the larger roll out container. The grant is a maximum of \$75,000.00 on a first come - first serve basis with requirements that must be met. There is no guarantee that the City would get the grant upon application. The new carts have an RFI device with a radio frequency device and the trucks can be outfitted with a computer that allows them to see who is recycling and who is not. Both the bid process and the RFI devices meet the requirements of the grant. Waste Industries would use a 64 gallon container in the smaller places downtown, with a low entry vehicle and low step-down for the driver with a side arm which is not automated. The current contract with TFC requires that the City notify TFC 6 months in advance if the City intends to terminate the contract. He recommended that the Council approve allowing the City to enter into contract with Waste Industries to provide recycling pickup effective 7/1/2012 and to notify TFC of intent to terminate contract 7/1/2012 and approve the City purchasing its' own carts. The approval would require the City to do a budget amendment in the spring for the purchase of the carts.

Council Member Turner stated that he has been approached by many citizens requesting roll out recycling containers.

Council Member Kimrey requested clarification on payback period if the City purchases the cans. City Manager Rollins replied that with grant approval the payback period would be 2.2 years or 3.2 years without grant approval.

Council Member Kimrey inquired if the durability of proposed cans would be like the current cans in use. City Manager Rollins replied that these cans are very durable and that there is a stipulation in the Waste Industries contract in which if they are responsible for damaging a can that they will replace the can.

Council Member Kimrey asked how much lead time Waste Industries indicated that they would need to get everything in order. City Manager Rollins responded that with Council approval Waste Industries would be notified that they are the low bidder and TFC would be contacted regarding intent to cancel which would allow plenty of lead time to develop the contract and begin services by July 1, 2012. Council Member Kimrey asked if Waste Industries would be prepared to get cans in during the holiday seasons. City Manager Rollins replied that they are very prepared and very excited about doing work in Graham.

Mayor Pro Tem Linens asked if there is a possibility that the City would charge citizens a lesser fee. City Manager Rollins responded that this is something that should be discussed and his recommendation is not to change the recycling fee until after the purchase of the cans has been paid. Mayor Pro Tem Linens asked if the recycling containers will be a different color than the garbage containers. City Manager Rollins replied that the cans will be a different color and that the City has a choice in color, he recommended the color blue. Mayor Pro Tem Linens asked what citizens would be able to do with their current recycling container. City Manager Rollins replied that the citizens may keep their old recycling containers.

City Council Member Albright asked if the new recycling bin would be the exact same size as the current trash can. City Manager Rollins confirmed that they are the exact same size.

Mayor Peterman asked if when the City of Burlington will be voting on this matter. City Manager Rollins replied that issue is before the City of Burlington City Council tonight and that any action that we take tonight is subject to their action first.

Ron James, 1619 Wedgewood Drive in Graham addressed City Council and inquired if the recycling schedule would remain bi-weekly. City Manager Rollins replied that it would remain bi-weekly. Mr. James asked if the schedule could be moved to monthly service. City Manager Rollins stated that it could be but that if recyclables remain the same or increase as anticipated, that bi-weekly pickup would be needed.

Council Member Kimrey stated that his experience with Waste Industries is that they are a great local company.

Upon Motion by Council Member Turner, second by Mayor Pro Tem Linens, the Council voted to approve allowing the City to enter into contract with Waste Industries to provide recycling pickup effective 7/1/2012 and to notify Tidewater Fibre Corporation of intent to terminate contract 7/1/2012 and approve the City purchasing its' own carts. All aye.

Mayor Pro Tem Linens asked that in the event that the City of Burlington did not approve a residential recycling contract with Waste Industries, would the City of Graham try to go forward with Waste Industries. City Manager Rollins replied the if the City of Burlington did not go forward with the contract that the City of Graham would try to negotiate a price very close to the same price currently before the Council.

Declare the City of Graham 1928 Corbett Truck as Surplus Property –

City Manager Rollins explained that the City of Graham purchased this truck long ago when there were deep water wells in the ground. The wells had pumps in the bottom and the Corbett truck had a crane that would lower a cable down into the wells and hoist the pumps upward. When the City built the reservoirs the 1928 Corbett truck sat the Public Works garage for a long time. In the 1970's the Public Works Garage and Street crews worked together to restore this truck and to remove the crane, the wood used to restore the truck bed sides came from the old Smith Feed Mills where the Recreation Center is currently located. Occasionally the Corbett truck has been in parades and most recently is had been loaned to Henderson, North Carolina for an annual car show. This vehicle currently just sits in the garage at Public Works.

The Children's Museum of Alamance County has spoken with the City Manager Rollins about needing a truck for the Museum and that they were looking for a 1920's truck. They are very excited about this truck coming to the Children's Museum for people to see and for the children to be able to climb on, pretend and explore a vehicle from this era.

In order for this vehicle to be put in permanent trust to the Children's Museum of Alamance County, the vehicle must first be declared surplus by the City Council.

Council Member Kimrey asked if the Children's Museum would be able to verify insurance with the City of Graham for this vehicle. City Manager Rollins responded that the City of Graham currently owns the property that the Museum is built upon so they do provide certificates of

insurance as part of the legal agreement for the use of the land.

Mayor Pro Tem Linens asked if the truck will run. City Manager Rollins replied that the engine does run after some work to get it started.

Mayor Pro Tem Linens asked if the City of Graham knows the actual value of the Corbett Truck. Mayor Peterman responded that the City was offered \$3,500 Henderson, North Carolina but the actual value has not been determined.

Mayor Peterman asked if there were any questions from the public, none were forthcoming.

Council Member Kimrey and Mayor Pro Tem Linens voiced support for the idea of the Corbett truck being put on display at the Children's museum.

Council Member Turner asked if the City is giving up the truck permanently with the trust. City Manager Rollins responded that the City would be transferring title but that the truck would be returned to the City of Graham if the Children's Museum quits using the truck.

Upon Motion by Mayor Peterman, second by Council Member Turner, the Council voted unanimously to declare the 1928 Corbett Truck as surplus property. All aye.

Discuss Granting Permanent Trust of 1928 Corbett Truck to the Children's Museum of Alamance County –

Agenda Item discussed together with previous Agenda Item.

Upon Motion by Mayor Peterman, second by Council Member Albright the Council voted to approve the permanent trust as written of the 1928 Corbett truck to the Children's Museum of Alamance County. All aye.

Issues Not Included on Tonight's Agenda –

Willie Mae Currin addressed Council and apologized for being late as she was also a guest at another event earlier in the evening. She explained that she is an Inaugural Member of the North Carolina Senior Legislation and that she is proud to live in Graham.

Ron James of 1619 Wedgewood Drive in Graham addressed Council and stated that it is his hope that the Council work in one accord.

City Manager Rollins announced that Public Works Director Donnie Braxton will be retiring February 1, 2012 and that Terry Worth has been promoted to the position of Public Works Director effective February 1, 2012. Terry Worth has been an employee in Public Works for 23 years and that he looks forward to working with Mr. Worth in the new capacity.

City Manager Rollins reminded Council of the Alamance Community College Breakfast on Wednesday morning at 7:30 a.m.

Council Member Albright stated that Graham is special this time of year with the Christmas

decorations.

Mayor Pro Tem Linens announced that he has nothing but very positive things about the faux ice skating rink that the City of Graham provided this year.

Mayor Peterman reminded everyone to gather at the Captain White House directly following adjournment for the Election Reception.

There being no further business at 7:57 p.m., Council Member Albright moved to adjourn, followed by Mayor Pro Tem Linens, all aye.

Kimberly Harris, City Clerk