

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, MAY 5, 2015
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, May 5, 2015, 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 Chip Turner
Council Member Lee Kimrey

Also Present:

Frankie Maness, City Manager
Darcy Sperry, City Clerk
Nathan Page, City Planner
Michael Leinwand, Special Projects Coordinator
Keith Whited, City Attorney
James Lloyd, Chief Code Enforcement Officer

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.

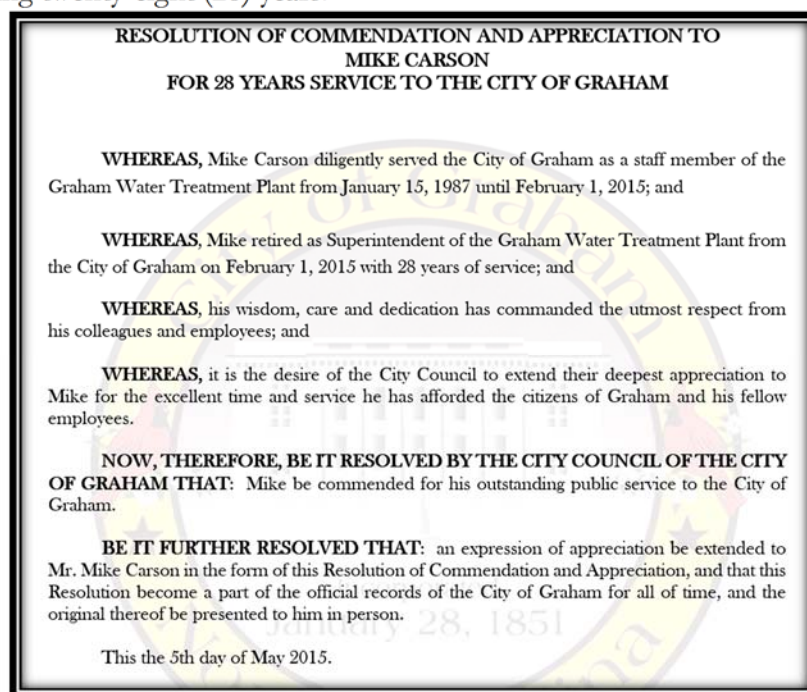
Honorary Recognitions, Resolutions and Proclamations:

➤ ***Sister City Fountain Dedication***

Mayor Peterman introduced Ann Honeycutt with the Sister Cities Program who thanked the City of Graham for their efforts in bringing this fountain to Alamance County.

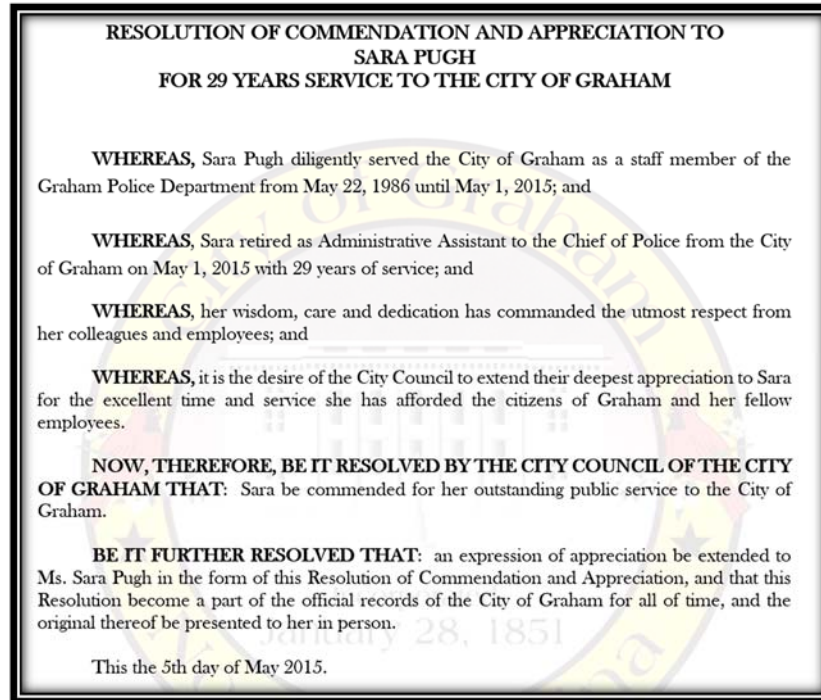
➤ ***Resolution of Commendation and Appreciation***

Mayor Peterman presented Mr. Mike Carson with a gift from the City of Graham and thanked him for his twenty-eight (28) years of service to the City of Graham. Mr. Carson thanked the City for an amazing twenty-eight (28) years.



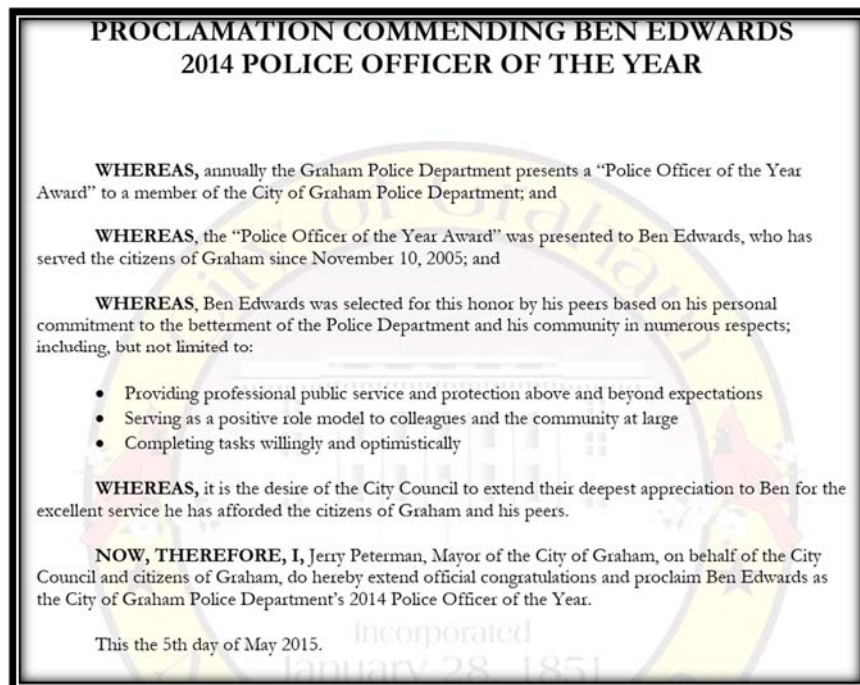
➤ ***Resolution of Commendation and Appreciation***

Mayor Peterman presented Ms. Sara Pugh with a gift from the City of Graham and thanked her for her twenty-nine (29) years of service to the City of Graham. Ms. Pugh thanked the City for the opportunity.



➤ ***Police Officer of the Year Proclamation***

Mayor Peterman presented a proclamation to Mr. Ben Edwards recognizing him as the 2014 Graham Police Department's Police Officer of the Year. Mr. Edwards thanked everyone for this award.



Consent Agenda:

- a. Approval of Minutes – April 14, 2015 Special Session.*
- b. Tax Releases and Refunds.*

CITY OF GRAHAM RELEASE ACCOUNTS						
MAY CITY COUNCIL MEETING						
ACCT #	YEAR	RECEIPT	NAME	RE/PP	REASON FOR RELEASE	RELEASED
44827	2014	5873	PATEL, JAYENDRA A	RE	ALA CO CORRECTED SQUARE FOOTAGE	223.80
254908	2012	27223	FARRELL, CHRISTOPHER C	PP	SOLD BOAT IN 2011	11.72
254908	2012	2724	FARRELL, CHRISTOPHER C	PP	SOLD BOAT MOTOR IN 2011	11.13
254908	2013	2650	FARRELL, CHRISTOPHER C	PP	SOLD BOAT IN 2011	10.85
254908	2013	2651	FARRELL, CHRISTOPHER C	PP	SOLD BOAT MOTOR IN 2011	11.13
254908	2014	2618	FARRELL, CHRISTOPHER C	PP	SOLD BOAT IN 2011	11.21
254908	2014	2619	FARRELL, CHRISTOPHER C	PP	SOLD BOAT MOTOR IN 2011	11.52

CITY OF GRAHAM REFUNDS						
MAY CITY COUNCIL MEETING						
ACCT #	YEAR	RECEIPT	NAME	RE/PP	REASON FOR REFUND	AMOUNT REFUNDED
44827	2010	5933	PATEL, JAYENDRA A	RE	ALA CO CORRECTED SQUARE FOOTAGE	218.89
44827	2011	5877	PATEL, JAYENDRA A	RE	ALA CO CORRECTED SQUARE FOOTAGE	216.43
44827	2012	5931	PATEL, JAYENDRA A	RE	ALA CO CORRECTED SQUARE FOOTAGE	216.43
44827	2013	5893	PATEL, JAYENDRA A	RE	ALA CO CORRECTED SQUARE FOOTAGE	216.43

- c. Request from the 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 September 10, 2015.*
- d. Request from Alamance County Manager Craig Honeycutt to block off the North and South side of West Elm Street from Maple Street to the first turnaround in the island past the Criminal Courts Building for the annual Memorial Day Ceremony on Monday, May 25, 2015 from 9:30 a.m. to 1:00 p.m.*

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

Old Business:

Quasi-Judicial Public Hearing: Apex View UBD & Community Center (SUP1501). Request by Thangaraju Muruegsan for a Special Use Permit for a Community Center and Unified Business Development on property located at 602 W Elm St (GPIN 8874759635).

Mayor Peterman opened the Quasi-Judicial Public Hearing and polled the Council for any financial interests, fixed opinions or communications regarding the property. None were forthcoming.

Council Member Lee Kimrey made a motion to open the evidence from last month, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

City Clerk Darcy Sperry administered an oath to City Planner Nathan Page and Mr. Thangaraju Muruegsan.

Mr. Page explained that this is a request by Thangaraju Muruegsan who is requesting two (2) special use permits for a community center as well as a Unified Business Development on the property located at 602 W. Elm Street. He further explained that there is a single existing building divided into three (3) units. One unit is approximately fifteen thousand (15,000) sq. ft. and the other two (2) each being approximately four thousand (4,000) sq. ft.

Mr. Muruegsan, 503 Front Ridge Drive Cary, N.C., stepped forward to answer any questions the Council may have. Council Member Albright asked Mr. Muruegsan what he has planned to go in there if this is approved. Mr. Muruegsan stated that they are currently taking applications, some of which have been for a community center, church and grocery store, but do not have anything definite at this time. Council Member Kimrey asked Mr. Muruegsan about the building adjacent to the back of the building as well as plans for the existing sign in front of the building. Mr. Muruegsan stated that it is a loading dock equipped with a freezer and cooler. He also advised that the sign will be modified to reflect tenant names, but he does not have any plans to make any major modifications to the existing sign. Council Member Kimrey also asked Mr. Muruegsan if he has any problems with removing the drive thru lane as per the Planning Board's request. Mr. Muruegsan said no.

Mayor Peterman asked if anyone from the floor wanted to speak on this. None were forthcoming. Being no further testimony, Mayor Peterman closed the Quasi-Judicial Public Hearing.

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

- The existing drive-thru window be closed and the lane removed;

And adopt the Findings of Fact and Conclusions of Law as presented in the staff report and the application is consistent with the *City of Graham Growth Management Plan 2000-2020*. Council Member Albright seconded the motion. 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 B-2 and I-1. "Unified Business Development" is permitted in both the B-2 and I-1 districts. The property will allow all uses allowed in a B-2 district, with the exceptions as noted our ordinance, under section 10.149.*
 - *The existing signs appear to conform to our ordinance. Any new or replaced signs will need sign permits.*
 - *The existing building may be nonconforming with respect to side and rear yard setbacks, but no new construction is proposed that would increase these nonconformities.*
 - *The property may also be nonconforming with regards to screening of adjacent residentially zoned properties.*

2. Conditions specific to each use, identified by the Development Ordinance, are complied with.

- *There are no conditions specific to “community centers.”*
- *All uses permitted in the B-2 district are permitted in a Unified Business Development, with the exception of certain uses which are not permitted. The only use specified for this Unified Business Development is the community center. That use is permitted in the B-2 district with a special use permit, and is not prohibited in Unified Business Developments. All future uses to be located within the UBD will be required to obtain a Zoning Permit prior to occupancy.*
- *All uses shall be completely enclosed in buildings except for plant sales, sidewalk cafes, and permitted drive-in uses. The proposed uses are completely enclosed, with the exception of the proposed drive-thru window. Drive-in establishments offering goods or services directly to customers in parked cars shall be permitted only when the locations of the builds and access drives have been approved by the city council. This proposal includes a drive-thru window, which is seeking the approval of City Council.*
- *An opaque screen shall be provided wherever, in the city council’s judgment, such screening is necessary to shield adjacent residential districts. There is a residential zone to the rear of the building, zoned R-7, and currently occupied by single family residential.*
- *Off-street parking for 110 spaces is currently provided. A 15,000 sq. ft. grocery would require 75 spaces, the 4,100 sq. ft. community center 21 spaces, and a 4,000 sq. ft. service establishment dealing frequently with the public another 20. This would require a total of 116. However, if the uses are service establishments dealing infrequently with the public and low-volume retailers, the smaller units could require as little as 14 additional parking spaces, for a total of 89. If all three units require 1 spot per 200 sq. ft. (the required for high volume retail, service establishments dealing frequently with the public, and community centers), the site would require 6 additional spaces.*
- *The property is located along a major thoroughfare, minor arterial, or collector street (existing or proposed). This UBD abuts West Elm Street/ Highway 87, which is a principal arterial.*
- *The property is also nonconforming for landscaping, but would not be required to meet current ordinances unless the site adds more than 3,000 sq. ft. or constructs a new building. In which case, said modifications would only be required in relation to the expansion or new construction.*

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 reuse of the location as a shopping center 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 proposed UBD 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 community center and unified business district will be located along a major road in a highway commercial corridor and is in general conformity with the Growth Management Plan 2000-2020*

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.
- *Public water and sewer, parking and loading, service entrances and areas, utilities, and signs and lighting are satisfactorily provided.*
 - *Vehicle circulation is being proposed to remain as is. City Council must approve the proposed location of the drive-thru window, as well as access drives.*
 - *Parking is being proposed to remain as is.*

Requests and Petitions of Citizens:

a. Public Hearing: Petition for Voluntary Non-Contiguous Annexation Kimrey Road.

Special Projects Coordinator Michael Leinwand explained that the Ordinance presented to the Council is a request to extend the corporate limits of the City of Graham. He indicated that this satellite annexation consists of approximately eight-eight (88) acres.

Mayor Peterman opened the Public Hearing. No public comment was received and Mayor Peterman closed the Public Hearing.

Council Member Albright made the motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for property at Kimrey Road, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR PROPERTY AT KIMREY ROAD

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58.1 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 May 5, 2015, after due notice by publication on April 23, 2015; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58.1;

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-58.1, the following described territory is hereby annexed and made part of the City of Graham as of May 5, 2015:

TRACT 1 AREA TO BE ANNEXED METES & BOUNDS DESCRIPTION

BEING A TRACT OF LAND SITUATED AT THE NORTHWEST RIGHT OF WAY OF KIMREY ROAD (S.R. 2125), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NGCS STATION "GUNWON" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 830,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A CALCULATED POINT, THE POINT OF BEGINNING;

THENCE, IN A CLOCKWISE DIRECTION, N 54°37'42" E, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,090.00', A DELTA OF 003°31'27", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 51°07'15" E, 149.89 FEET TO A FOUND N" PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3852, PAGE 401, ACR;

THENCE, S 40°31'34" E, 2,757.64 FEET TO A FOUND 3/4" PIPE ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

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

1. S 62°26'38" W, 214.93 FEET TO A CALCULATED POINT;
2. S 63°31'49" W, 130.18 FEET TO A CALCULATED POINT;
3. S 67°35'48" W, 218.73 FEET TO A CALCULATED POINT;
4. S 68°20'17" W, 305.36 FEET TO A CALCULATED POINT;
5. S 67°47'44" W, 316.89 FEET TO A CALCULATED POINT;
6. S 68°42'20" W, 171.75 FEET TO A CALCULATED POINT;
7. S 69°59'44" W, 129.24 FEET TO A CALCULATED POINT;

THENCE, N 40°25'47" W, 2,423.69 FEET TO POINT OF BEGINNING, AND CONTAINING 84.433 ACRES OR 3,677,901.57 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015, SIGNED BY CHARLES S. LOGUE, NC PLS #1-4232.

TRACT 2 AREA TO BE ANNEXED METES & BOUNDS DESCRIPTION

BEING A TRACT OF LAND SITUATED AT THE NORTHEAST RIGHT OF WAY GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF TAX IDS: 159502 & 159503, SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NGCS STATION "GUNWON" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 830,741.12 AND EAST 1,897,712.00;

THENCE, S 42°45'26" E, A HORIZONTAL GRID DISTANCE OF 2205.86 FEET TO A FOUND #4 REBAR IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD (A 60' WIDE PUBLIC RIGHT OF WAY), THE POINT OF BEGINNING;

THENCE, IN A CLOCKWISE DIRECTION, N 49°51'03" E, 35.78 FEET TO A CALCULATED POINT, ON THE EASTERN PROPERTY LINE OF THAT CARL A. WESTMAN PARCEL RECORDED IN BOOK 2976, PAGE 166, ACR;

THENCE, S 45°24'08" E, 40.91 FEET TO A CALCULATED POINT;

THENCE, N 60°07'44" E, 61.91 FEET TO A CALCULATED POINT;

THENCE, N 51°58'50" E, 192.96 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,970.00', A DELTA OF 001°25'50", AN ARC LENGTH OF 72.51 FEET AND A CHORD OF 72.51 FEET BEARING N 51°36'58" E TO A CALCULATED POINT;

THENCE, N 50°34'59" E, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,430.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 171.56 FEET AND A CHORD OF 171.56 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 54°37'42" E, 1,307.72 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,970.00', A DELTA OF 003°31'23", AN ARC LENGTH OF 121.17 FEET AND A CHORD OF 121.36 FEET BEARING N 52°51'58" E TO A CALCULATED POINT;

THENCE, N 53°06'15" E, 148.18 FEET TO A CALCULATED POINT ON THE WESTERLY LINE OF THAT KIMREY FARMS LLC PARCEL RECORDED IN BOOK 3304, PAGE 397, ACR;

THENCE, S 40°35'38" E, 60.00 FEET TO A FOUND N° PIPE, THE WESTERN CORNER OF THAT WAL-MART STORES EAST LP PARCEL RECORDED IN BOOK 3352, PAGE 601, ACR;

THENCE, S 51°06'15" W, 149.89 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2,030.00', A DELTA OF 003°31'23", AN ARC LENGTH OF 124.87 FEET AND A CHORD OF 124.85 FEET BEARING S 52°51'58" W TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 1,141.25 FEET TO A CALCULATED POINT;

THENCE, S 54°37'42" W, 166.48 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 2,370.00', A DELTA OF 004°02'43", AN ARC LENGTH OF 167.32 FEET AND A CHORD OF 167.29 FEET BEARING S 52°51'58" W TO A CALCULATED POINT;

THENCE, S 50°34'59" W, 713.53 FEET TO A CALCULATED POINT;

THENCE, WITH AN ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 3,030.00', A DELTA OF 003°23'56", AN ARC LENGTH OF 73.98 FEET AND A CHORD OF 73.98 FEET BEARING S 52°51'58" W TO A CALCULATED POINT;

THENCE, S 51°58'56" W, 194.35 FEET TO A CALCULATED POINT;

THENCE, S 42°53'55" W, 62.14 FEET TO A CALCULATED POINT;

THENCE, S 30°08'32" E, 85.24 FEET TO A CALCULATED POINT;

THENCE, S 51°43'22" W, 27.77 FEET TO A CALCULATED POINT IN THE CENTERLINE OF GOVERNOR SCOTT FARM ROAD;

THENCE, N 38°16'38" W, 202.27 FEET TO THE POINT OF BEGINNING, AND CONTAINING 3.901 ACRES OR 175,618.05 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING CORPORATE UNITS EXTENSION CITY OF GRAHAM" MAP PREPARED BY THE SURVEY COMPANY INC., DATED MARCH 27, 2015, SIGNED BY CHARLES S. LOGUE, NC PLS #1-42112.

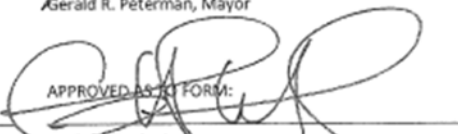
Section 2. Upon and after May 5, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 5th day of May, 2015.


Gerald R. Peterman, Mayor

ATTEST: 
Darcy L. Sperry, City Clerk


APPROVED AS A FORM:
Keith Whited, City Attorney

b. Petition for Voluntary Contiguous Annexation 351 Longdale Drive.

Mr. Page explained that this is an application by Mr. John L. Foust Sr. to annex a contiguous lot into the City of Graham. He advised that the lot is .55 acres and is located at 351 Longdale Drive - currently in the City's Extra Territorial Jurisdiction (ETJ). Mr. Page explained 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.

Mayor Pro Tem Linens made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for Property at 351 Longdale Drive, seconded by Council Member Kimrey. All voted in favor of the motion.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY AT 351 LONGDALE DRIVE

WHEREAS, a petition requesting annexation of an area described in said petition was received on May 1, 2015, 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

CERTIFICATE OF SUFFICIENCY
FOR PROPERTY AT 351 LONGDALE DRIVE

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5th day of May, 2015.


 Darcy L. Sperry, City Clerk



SEAL

Mayor Pro Tem Linens made the motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for Property at 351 Longdale Drive – the date being June 2, 2015, 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 AT 351 LONGDALE DRIVE

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 2, 2015.

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

A certain tract or parcel of land in Graham Township, Alamance County, North Carolina, adjoining the lands of Noah Road (S.R. 2218), Longdale Drive, City of Graham Corporate Limits, Lot Nos. 1 and 6 of Final Plat Property of J. L. Foust and others, and more particularly described as follows:

BEGINNING at an iron stake at the intersection of the right-of-way lines of Noah Road (S.R. 2218) and Longdale Drive, and corner with the City of Graham existing corporate limits line, running thence along the right-of-way line of Longdale Drive and City of Graham existing corporate limits line the following two courses and distances: (1) S11° 36' 18"E 19.32 feet to an iron stake; (2) S38° 08' 18"W 157.28 feet to an iron stake and corner between Lot Nos. 6 and 7 of the Final Plat Property of J. L. Foust, a plat of which is recorded in Plat Book 75, at Page 492, in the office of the Alamance County Register of Deeds, running thence along the line between said Lot Nos. 6 and 7 N48° 15' 00"W 156.86 feet to an iron stake corner between said Lot Nos. 6 and 7, and in the line of Lot No. 1; running thence along the line between Lot Nos. 1 and 7 N36° 03' 13"E 105.39 feet to an iron stake corner between Lot Nos. 1 and 7, and in the south 60 foot right-of-way line of Noah Road (S.R. 2218); running thence along the said south right-of-way line of Noah Road (S.R. 2218) and along a curve to the right having a chord bearing and distance of S75° 23' 56"E 155.52 feet, radius of 445.11 feet to the POINT OF BEGINNING and being all of Lot No. 7 of the Final Plat Property of J. L. Foust, containing 22,860 square feet or 0.0008 square miles, a plat of which is recorded in Plat Book 75, at Page 492, in the office of the Alamance County Register of Deeds.

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

Public Hearing: Kimrey Road Rezoning (RZ 1502). Application by the City of Graham to initiate I-1 zoning for a portion of a parcel on Kimrey Road (GPIN 9803172212).

Mr. Page explained that this is an application by the City of Graham to initiate zoning on the tracts just annexed into the City. He stated that it is standard operating procedure of the City to have all parcels within the City be zoned. Mayor Peterman opened the Public Hearing.

Mr. Ed Freshwater asked for clarification as to what parcels would be rezoned. City Manager Frankie Maness pointed out the parcels on the map.

Being no further questions, 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 *City of Graham Growth Management Plan 2000-2020*, seconded by Mayor Pro Tem Linens. All voted in favor of the motion

Project Quarter Incentive Agreement

a. Public Hearing: To receive comments on a proposal to extend economic development incentives for a proposed distribution facility to be constructed in the North Carolina Commerce Park (NCCP). The proposed incentive would include a total cash grant in the amount of \$3,375,000 over a 5 year period and the construction of a roadway estimated at \$2,000,000 by the Cities of Graham and Mebane and the County of Alamance 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 construct upon the site, improvements consisting of a distribution center and related facilities which will employ not less than 80 full time positions with average salaries of \$80,000 and which will increase the tax base by not less than \$125,000,000.

b. Consider Incentive Agreement

Mr. Maness explained that this Public Hearing is to consider incentive agreements with a proposal by MGP Retail to construct a distribution center and regional headquarters in the NCCP. He reminded Council that this property is also the subject of the approved annexation and rezoning done earlier in this meeting. Mr. Maness indicated that the proposed incentives are as such:

(1) Roadway construction:

- a. Extending from Gov. Scott Farm Rd to serve the property and provide interconnection with roadway currently under construction;
- b. City of Graham will be responsible for ROW acquisition, roadway design, and construction;
- c. Approximately 4,425' of roadway and 24' in width;
- d. Estimated cost: \$2,000,000.
- e. Paving and improvement to Gov. Scott Farm Road by NCDOT (\$750,000)

(2) Cash Grant:

- a. Total incentive of \$3,375,000;

- b. Payable over 5 year period upon satisfaction of tax base investment;
 - c. Cash Grant will be pro-rated if investment target is not reached.
- (3) Waiver of local impact, permit and inspection fees associated with the initial construction with an estimated value of \$200,000.

In addition, Mr. Maness outlined the fiscal impact which includes:

- Total Road Construction: \$2,000,000 Graham Share = \$ 666,667
- Total Cash Grant: \$3,375,000 Graham Share = \$1,125,000
- \$5,375,000 \$1,791,667
- Annual Tax Revenue: \$410,416

Council Members and Mr. Maness discussed paving, fees associated with the Inter-Local Agreement with the City of Mebane and Alamance County, as well as this project being the largest single development investment in Alamance County's history. Mr. Maness was asked to break down how the cash grant might look like over a five (5) year period. Mr. Maness stated that the initial trigger is a deadline that they would hope to have their building constructed by the end of 2017. At that time, the first cash incentive would be triggered and then in each year thereafter in five (5) equal installments they would receive a cash incentive assuming they have met the obligations under the agreement.

Mr. Mac Williams, President of the Alamance County Chamber, thanked the Council for the consideration given this project and for the previous actions taken to establish the NCCP and get it to the point it is today. He commended Graham Staff, in particular Mr. Maness. He explained that this project has many moving parts and there has been a lot to do.

Mr. Williams introduced Mr. Robert Lester, Development Manager for MGP Retail Consulting, LLC. Mr. Lester said it has been a pleasure to work with Mr. Maness and the rest of the team thru this process and looks forward to continue working with everyone. Council Members asked Mr. Lester when the company plans to start construction, when the company anticipates meeting the job criteria and water consumption. Mr. Lester stated that they intend to start construction as soon as they close on the property chosen. Additionally, he said they anticipate filling the eighty (80) jobs in the incentive agreement by the end of 2017. Mr. Lester said they anticipate using a significant amount of water. Council Members also inquired as to whether or not there are any plans for access to the property from Kimrey Road. Mr. Lester indicated that they would like to have an employee entrance off Kimrey Road.

Mayor Peterman opened the Public Hearing.

Mr. Todd May, 2280 S. Church St. Ste. 206 Burlington, N.C., asked what the distribution area radius would be. Mr. Lester said that they are still in the planning phase but said it may be a couple of hundred miles.

Mr. Freshwater asked out of the eighty (80) jobs, how many of them would be filled by employees transferred from another country. Mr. Lester stated if he had to guess, it would be very few, if any.

Mr. Tom Boney of the Alamance News asked if this would be the only regional headquarters. Mr. Lester said this site would service the Southeast.

Mr. Harry Porthouse, 1054 Barn Owl Avenue Graham, N.C. and Mrs. Freshwater expressed concern over truck traffic on Cherry Lane and Kimrey Road respectively. Mr. Maness stated that the newly constructed roadway has been designed to be the primary route of the trucks.

Being no further questions, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion to approve the Incentive Agreement for Project Quarter with MGP Retail Consulting, LLC 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.

Audit & Accounting Services:

a. Approve Engagement Agreement for Consulting, Professional Assistance and Preparation of 6/30/15 Financial Statements.

Ms. Becky Loy of Cobb, Ezekiel, Loy & Company, P.A. explained that in order to provide assistance with financial issues and the preparation of the annual financials in a more efficient process, the City will work with our previous audit firm more closely. This arrangement provides assistance to the finance staff and the hope is to streamline the year end process to gain efficiency and accuracy in our year end processes.

Council Members discussed the costs, estimated to be from twenty-five thousand (25,000) to thirty-thousand (30,000) dollars. It was determined that it's more economical for the City to contract this work out vs hiring additional Staff.

Council Member Albright made a motion to approve the Engagement Agreement with Cobb, Ezekiel, Loy and Company, P.A., seconded by Council Member Kimrey. All voted in favor of the motion.

b. Approve Audit Contract.

Mayor Pro Tem Linens made a motion to approve the Audit Contract with Stout, Stuart, McGowen & King, LLP, seconded by Council Member Kimrey. All voted in favor of the motion.

Issues Not Included on Tonight's Agenda:

Mr. Maness advised Council that in the envelopes provided to them this evening, they would find a copy of the recommended FY 2015-2016 Budget. He said that the next step in the Budget process would be to set a date for a Special Meeting for the Budget Workshop. Council Members asked Mr. Maness and Ms. Sperry to send them some suggested dates so they could look at their own calendars.

Mr. Maness indicated that we also have to select a date for the 2035 Comprehensive Plan Workshop as well. Council Members asked Mr. Maness and Ms. Sperry to send them some suggested dates for this as well.

Council Member Turner asked Mr. Maness if there has been any progress on selling the Mid-State Magic property. Mr. Maness said he has not heard of anything as of now, but advised that he does have a meeting scheduled with the real estate agent on Thursday. Council Member Turner also inquired about the property on Ray Street. Mr. Maness stated that he met with school officials several months ago and offered advice as to how they could possibly move forward with a sale. He further stated that he does not know what, if any, action has been taken with that property.

Council Member Albright mentioned that he was happy to see that Central High School is going to get a marker.

Mayor Peterman thanked the Recreation & Parks Department for the wonderful Sports Hall of Fame Ceremony held recently.

At 8:32 p.m. Mayor Pro Tem Linens made a motion to adjourn, seconded by Council Member Kimrey. All voted in favor of the motion.

Darcy Sperry, City Clerk