

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, AUGUST 4, 2015  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 4, 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 Lee Kimrey  
Council Member Chip Turner

**Also Present:**

Frankie Maness, City Manager  
Darcy Sperry, City Clerk  
Nathan Page, City Planner  
James Lloyd, Chief Code Enforcement Officer

**Council Members Absent:**

Council Member Jim Albright

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 Letter of Commendation**

Mayor Peterman read and presented a Letter of Commendation to Graham Police Captain Steve McGilvray. Mayor Peterman congratulated Captain McGilvray for the excellent service he provided during the demonstration held at the Alamance County Historic Courthouse on July 18, 2015.

**Consent Agenda:**

- a. *Approval of Minutes – July 7, 2015 Regular Session*
- b. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS						
AUGUST						
<u>ACCT#</u>	<u>YEAR</u>	<u>RECIEPT</u>	<u>NAME</u>	<u>RE/PP</u>	<u>REASON FOR RELEASE</u>	<u>RELEASED</u>
87959	2015	4540	LYON, BOBBY HTG & COOLING	PP	OUT OF BUSINESS DEC 2014	15.78
87959	2015	4541	LYON, BOBBY HTG & COOLING	PP	OUT OF BUSINESS DEC 2014	1.44
149442	2015	3670	HUNTER, VICKIE PHILLIPS	PP	DID NOT OWN BOAT JAN 2015	2.59
161566	2015	5848	POE, RICHARD ALLEN JR	PP	DOES NOT LIVE IN CITY OF GRAHAM - REL BOAT	3.00
231813	2015	4737	MASTERCRAFT, CASKET CO INC	PP	PROPERTY LISTED IN CASWELL CO	40.40
231813	2015	4738	MASTERCRAFT, CASKET CO INC	PP	PROPERTY LISTED IN CASWELL CO	24.02
401802	2015	7228	TEAGUE, TYSON SHEA	PP	DID NOT OWN BOAT JAN 2015	35.99
475054	2015	4054	KEENEY, MARK STEVEN JR	PP	BOAT NOT LOCATED IN CITY OF GRAHAM	5.32
521137	2015	7377	THORNTON, WILLIAM J REVOC	RE	QUALIFIED FOR HOMESTEAD EXEMPTION	204.75
619924	2015	679	BLACKWELL, DAMIAN AVERY	PP	SOLD BOAT DEC 2013	4.33
619924	2014	743	BLACKWELL, DAMIAN AVERY	PP	SOLD BOAT DEC 2013	4.55
627572	2015	3915	JOHNSON, JERRY GLEN	PP	BOATS LOCATED IN VANCE CO	1.41
627572	2015	3916	JOHNSON, JERRY GLEN	PP	BOATS LOCATED IN VANCE CO	0.98
627572	2015	3917	JOHNSON, JERRY GLEN	PP	BOATS LOCATED IN VANCE CO	23.48
643313	2015	6131	REYNOLDS, LARRY GEORGE	PP	BOAT DOUBLE LISTED	86.45
643740	2015	933	BROWN, CHRISTIE DAWN	PP	DID NOT OWN BOAT JAN 2015	5.01
654001	2015	6922	STANFIELD, TOBY	PP	BOAT LISTED IN PERSON COUNTY	10.01
<b>TOTAL RELEASES</b>						<b>469.73</b>

- c. *Boards & Commissions Appointments*

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 “a. Approval of Minutes – July 7, 2015 Regular Session.”

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

Council Member Kimrey questioned the following from the Peak Resources section of the July 2015 minutes: *“He added that Peak Resources will pay either the City or the five (5) percent match for the project”*. Council Member Kimrey expressed concern that the statement was inaccurate. Mr. Maness stated that we would be better served to remove the entire sentence from the July 2015 minutes. Mr. Maness went on to say that the Resolution speaks to how that five (5) percent match will be accomplished.

Council Member Kimrey made a motion to approve the minutes as written with the exception of the one sentence on page thirteen (13) (agenda packet) that states: *“He added that Peak Resources will pay either the City or the five (5) percent match for the project”* and that sentence be eliminated, seconded by Council Member Turner. All voted in favor of the motion.

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

#### ***a. Graham Area Business Association to Discuss Purchase of Holiday Decorations***

City Manager Frankie Maness explained that the Graham Area Business Association advised they would like to remove this item from consideration.

Council Member Kimrey made a motion to postpone this item, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

#### ***b. Public Hearing: Petition for Voluntary Contiguous Annexation on and Adjacent to 401 Longdale Drive***

City Planner Nathan Page explained that this is an application by Mr. John L. Foust to annex a portion of his property along Longdale Drive into the City. Mr. Page further stated that this property was originally two (2) lots that have been reconfigured and portions combined with adjoining lots so as to meet the requirements of the City’s Development Ordinances.

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

Council Member Turner made the motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina for property on and adjacent to 401 Longdale Drive, 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 ON AND ADJACENT TO 401 Longdale Drive**

**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 August 4, 2015, after due notice by publication on July 23<sup>rd</sup>, 2015; 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 August 31, 2015:

A certain tract or parcel of land in Graham Township, Alamance County, North Carolina, adjoining the lands of Longdale Drive, Lot No. 4 of Property of J. L. Foust, recorded in Plat Book 69, at Page 119, Lot Nos. 1 and 7 of Property of J. L. Foust, recorded in Plat Book 75, at Page 492 and others, and more particularly described as follows:


BEGINNING at an existing iron pipe corner between Lot No. 1 of Property of J. L. Foust, recorded in Plat Book No. 75, at Page 492 and Lot No. 4 of Property of J. L. Foust, recorded in Plat Book 69, at Page 119, and the existing City of Graham corporate limits line, running thence with the southeastern line of Lot No. 1, N36° 03' 13"E 180.00 feet to an existing iron pipe in the line of said Lot No. 1 and corner with Lot No. 7 of Property of J. L. Foust, recorded in Plat Book 75, at Page 492, and corner with the existing City of Graham corporate limits line; running thence along the said Lot No. 7 and existing City of Graham corporate limits line S48° 15' 00"E 156.86 feet to an existing iron pipe in the northwestern 50 foot right-of-way line of Longdale Drive; continuing along said existing City of Graham corporate limits line and the said right-of-way line of Longdale Drive S38° 08' 18"W 170.00 feet to an existing iron pipe corner with Lot No. 4 of Property of J. L. Foust, recorded in Plat Book 69, at Page 119; continuing along said existing City of Graham corporate limits line and Lot No. 4, N51° 51' 42"W 150.00 feet to the POINT OF BEGINNING and containing 26,798 square feet.

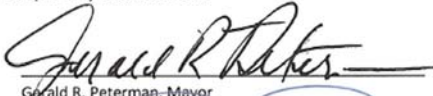
**Section 2.** Upon and after August 31, 2015, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said 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 4<sup>th</sup> day of August, 2015.

ATTEST:

  
Darcy L. Sperry, City Clerk

  
Gerald R. Peterman, Mayor

APPROVED AS TO FORM:

  
Keith Whitford, City Attorney

*c. Public Hearing: Petition for Designation of Historic Landmark for Oneida Mills Property*

City Planner Nathan Page explained that this is an application by Third Wave Housing, LLC to adopt the Oneida Mill Complex as a National Historic Landmark. Mr. Page stated that we have recommendations for approval from the State and the Graham Historic Resources Commission. In addition, Mr. Page advised that this property has already been adopted into the National Register.

Mayor Peterman opened the Public Hearing.

Mr. Richard Angino, representative with Third Wave Housing, gave a brief overview of their intentions with the property. He explained that this is a project that he has been working on for a couple of years and that they have recently been accepted into the Mill Credit Program. Mr. Angino advised that he anticipates closing on the property in October or November of this year and that construction of one hundred thirty-four (134) units of loft apartments would commence. He said he anticipates it would take about fourteen (14) months to build.

Council Member Kimrey asked Mr. Angino if any of the slow burn construction heavy lumber will be preserved and used architecturally on the interior. Mr. Angino answered that it all will be used.

Mayor Pro Tem Linens asked Mr. Angino to explain what the Historic Landmark designation means for the property and its owners. Mr. Angino stated that they have a combination of about three (3) different tax credit programs that they are receiving. He explained that this allows for them to receive tax credits that come from the property itself. They then turn around and sell those credits to corporate investors. The investors then contribute cash back into the property that finance it.

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

Council Member Kimrey made a motion to adopt the Oneida Mill Property located at 219 W. Harden Street as a Local Historic Landmark, seconded by Council Member Turner. All voted in favor of the motion.

**AN ORDINANCE DESIGNATING ONEIDA COTTON MILLS IN THE PLANNING JURISDICTION OF THE CITY OF GRAHAM, NORTH CAROLINA, A HISTORIC LANDMARK**

**WHEREAS**, the property located at 219 West Harden Street, Graham NC, is owned by Jay Burke Rentals INC; and

**WHEREAS**, the General Assembly of the State of North Carolina authorized the creation of the Graham Historic Resources 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 Oneida Cotton Mills as entered in the National Register; and

**WHEREAS**, the North Carolina Department of Cultural Resources has made an analysis and recommendation that the following property be designated a historic landmark; and

**WHEREAS**, on the 4<sup>th</sup> day of August, 2015 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 Oneida Cotton Mills, 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 219 West Harden Street, Graham NC, owned by Jay Burke Rentals, INC, that property described in deed book 2722, page 613 recorded in Alamance County Registry, comprising approximately 6.843 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:

The Oneida Cotton Mill is an intact collection of late nineteenth and early twentieth century industrial buildings. The floor plan, rectangular footprint, brick construction, heavy-timber interior framing, and flat and low gable roofs at the complex epitomize the types and forms of industrial buildings constructed in the Piedmont of North Carolina during this period. The Hold Mill, Scott and Donnell Mill, and the Opener Room buildings in the complex all display the principles of slow-burn construction that was common for textile mills of the late nineteenth and early twentieth centuries. Most notably among these was building material, positioning of large-capacity water tanks in the towers, heavy-timber framing, large windows for ventilation and light, and the creation of space separate from the main mill floor for activities that could lead to fires. These features remain prominent in Oneida Cotton Mill. The recent removal of vertical metal siding and simulated masonry siding reveals a collection of industrial buildings that clearly demonstrate the use of slow-burn construction. Although windows on the Hold Mill have been infilled, some on the Scott and Donnell Mill building and the Opener Room retain their historic sash and did so because of the siding that was applied to the buildings in the late 1950s. All windows retain their decorative brick surrounds, mostly in the form of segmental arches.

The square towers on the Scott and Donnell Mill and Holt Mill buildings have been truncated, but the iconic southeast corner round tower remains in its original form, except for the enclosure of the bays. The additions made to buildings over time illustrate the expansion of the companies located here and the evolution of industrial processes over a nearly eighty-year period.

**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 Oneida Cotton Mills complex 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, the 4<sup>th</sup> day of August, 2015 by the City Council of the City of Graham, North Carolina.

  
Gerald R. Peterman, Mayor

ATTEST:

  
Darcy L. Sperry, City Clerk

### **Approve Engineering Contracts:**

#### ***a. Boyd Creek Pump Station***

#### ***b. Project Quarter Roadway***

Mr. Maness explained that last month Council had appropriated funds through capital project ordinances for a few projects, two (2) of which are the subject of the engineering contracts for tonight. He advised that tonight's projects are the Boyd Creek Pump Station, which includes an upfit to another pump station as well, and the Project Quarter Roadway. Mr. Maness stated that the City received a single response for a Request for Qualifications (RFQ) for each project from Alley, Williams, Carmen & King. He advised that the estimated engineering cost(s) for the roadway extension are two hundred thirty-five thousand (\$235,000) dollars and three hundred thirty-five thousand (\$335,000) dollars for the Boyd Creek Pump Station Project.

Following discussion, Mayor Pro Tem Linens made the motion to award the engineering contracts for Melville Commerce Parkway Extension and the Boyd Creek Pump Station Projects to Alley, Williams, Carmen & King, seconded by Council Member Kimrey. All voted in favor of the motion.

### **Lease Agreement with T-Mobile**

Mr. Maness explained that for a little over a year now, he, Mr. Page and most recently Utilities Director Victor Quick, have been working with T-Mobile to find a spot to put a tower in the area near Graham Middle School. The top of the City's elevated water storage tank was identified as a location which could support the installation of cell phone antennae. Mr. Maness went on to say that engineering assessments have been completed and the tank is structurally sound and adequate to safely support the planned load. He informed Council that a contract has been negotiated with T-Mobile in which T-Mobile will pay the City twenty-three hundred (\$2,300) dollars per month or twenty-seven thousand six hundred (\$27,600) dollars annually. T-Mobile proposes to place a corral (crown) and three (3) antennae on the top of the tower.

Following discussion, Council Member Kimrey made the motion we authorize the City Manager and the City Attorney to enter into a site lease agreement with T-Mobile South, LLC for the collocation of telecommunication antennae, also to authorize the City Manager and City Attorney to look into any existing agreement we have with the school system and to please notify the school system of our intentions, seconded by Council Member Turner. All voted in favor of the motion.

### **Approve Piggyback Contract for Regenerative Air Street Sweeper**

Mr. Maness explained that the Street Department received funding in our Annual Budget for the purchase of a new street sweeper (\$242,000). He advised that staff has located a model that fits our needs and was recently bid by a city in South Carolina. Mr. Maness explained that we are asking Council to authorize the staff to "piggyback" the bid from Clinton, South Carolina, which is allowed by North Carolina General Statute G.S. 143-129 (g) (3).

Council Members and Mr. Maness discussed the cost savings by "piggybacking" the purchase of this piece of equipment.

Being no further questions, Mayor Pro Tem Linens made a motion we award the contract to Amick Equipment Company for a Tymco 600 street sweeper in the amount of \$210,580, seconded by Council Member Turner. All voted in favor of the motion.

### **Pet Adoption and Welfare Society (PAWS)**

Mayor Peterman explained that the Pet Adoption and Welfare Society (PAWS) is looking to expand their adoption center and would like for a Council Member to serve on the Steering Committee. He added that Graham currently funds part of the operation of the facility.

Mayor Jerry Peterman nominated Council Member Kimrey to serve on this board, seconded by Council Member Turner. All voted in favor of this nomination.

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

Mayor Peterman advised that he was moving this item up on the agenda prior to Council going into Closed Session. No comments were forthcoming.

### **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***

Mr. Tom Boney, of the Alamance News, asked what litigation issues are being discussed. Mr. Whited stated that the Council hasn't been apprised of the cases yet. Mr. Whited explained that he would be updating Council on two pending cases; Golden vs. the City of Graham and JMS Investments vs. the City of Graham. Mr. Boney asked for further information on each case. Mr. Whited stated that the JMS Investments lawsuit pertains to the return of the privilege tax on old sweepstakes machines. He added that the Golden lawsuit is one in which a federal prisoner is suing the City in the Middle District of North Carolina for violation of his fourth (4<sup>th</sup>) amendment rights when he was arrested by the City of Graham Police Department.

At 7:48 p.m. Mayor Pro Tem Linens made a motion to go into closed session to consult with an attorney, seconded by Council Member Kimrey. All voted in favor of the motion.

At 8:10 p.m. Council Members and Mr. Whited returned. Mayor Peterman explained that the Council Members discussed the two (2) lawsuits with Mr. Whited and no action was taken.

Mr. Whited thanked the City for the acts of kindness shown to him and his family during the past couple of weeks with the passing of his Father. Mr. Whited also thanked the Council for their recommendation and appointment last month that he be retained as legal counsel for the City.

Mayor Pro Tem Linens asked Mr. Maness if site construction had started yet for Walmart and Lidl. Mr. Maness confirmed it has started for both projects.

Council Member Kimrey reminded Council that the Graham Planning Board has requested a joint meeting with Council. He stated that the request was made a while back and the Planning Board was told that a meeting would be scheduled after the Budget and Growth Management Plan. Mayor Peterman stated that he would get with Andy Rumley, Planning Board Chairman, and see what can be worked out.



Council Member Kimrey also inquired about the use of vacant City property for a solar farm. Mr. Maness advised that several years ago, the City was approached about a solar farm. He stated that he had submitted a potential site to the company inquiring. He further added that when he was Assistant City Manager, one of the things he did was look at unused City properties and try to get rid of them. Mr. Maness said he was able to get rid of two (2) properties that were unneeded and that he is currently trying to get rid of a third (3<sup>rd</sup>) vacant piece of land. He identified this vacant land as the Mid-State Magic property.

Council Member Kimrey asked about the status of hiring our Animal Control Officer. Mr. Maness advised that he has had brief conversations with Chief Prichard about that and plans on taking that up with him further. He also stated that he does not believe it will be a problem to have someone ready to go as of January 1, 2016.

Council Member Kimrey also inquired as to the status of advertising for an Assistant City Manager. Mr. Maness advised that this was done last week and hopes that the process of reviewing applications will begin in the next couple of weeks. He advised that the position will remain open until filled.

Mayor Peterman expressed condolences for City employees Ty and Geronki Coble, due to the recent passing of their Father and Grandfather, Mr. George Coble.

At 8:17 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