

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

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

Council Members Present:

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

Also Present:

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

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

Honorary Presentation:

➤ *Give a Child a Smile*

Ms. Tammy Harton and Ms. Kiya Gordon spoke of the program they co-founded, which raises awareness to stop child abuse. The organization's goal is to provide abused and neglected children with a stuffed animal that is purchased through donations made. They encouraged Council Members and those in attendance to consider making a donation. Mayor Peterman invited both to the January meeting, allowing Council Members to be prepared to make a personal donation if they so choose.

Consent Agenda:

- a. *Approval of Minutes – November 1, 2016 Regular Session*
- b. *Tax Releases and Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
578264	2016	ORDONEZ, DORIS A	SOLD MOBILE HOME	4.55

**CITY OF GRAHAM
REFUNDS**

DECEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
3851	2016	CHILDRESS, CONSTANCE R	QUALIFIED FOR HOMESTEAD EXEMPTION	243.61
238420	2016	STOKES, WILLIAM THOMAS IV	BOAT LISTED IN HORRY COUNTY	45.41
238420	2016	STOKES, WILLIAM THOMAS IV	BOAT MOTOR IN HORRY COUNTY	10.37
238420	2015	STOKES, WILLIAM THOMAS IV	BOAT LISTED IN HORRY COUNTY	53.90
238420	2015	STOKES, WILLIAM THOMAS IV	BOAT MOTOR IN HORRY COUNTY	11.41

c. Approve Easement to Duke Energy at Graham Regional Park

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

Requests and Petitions of Citizens:

a. Petition for Contiguous Annexation at Jimmie Kerr Road (AN1603):

Assistant City Manager Aaron Holland explained that this is an application to annex property that belongs to Alamance Community College (ACC), located at 1247 Jimmie Kerr Road (29.74 acres) into the City of Graham. He further stated that ACC is growing and are starting to build on portions of their property which extend beyond our City limits. Mr. Holland added that this is the first step in the annexation process which would require approval of the following:

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

Following a brief discussion between Council Members and Staff, Ms. Cindy Collie, 2972 Maddie Florence Drive Graham and representing Alamance Community College, stepped forward to answer questions from council. With no questions forthcoming, Mayor Pro Tem Linens made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for the property on Jimmie Kerr Road, seconded by Council Member Lee Kimrey. All voted in favor of the motion.

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

WHEREAS, a petition requesting annexation of an area described in said petition was received on November 21, 2016, by the Graham City Council; and

WHEREAS, G.S. 160A-31 provides that the sufficiency of the petition shall be investigated by the City Clerk before further annexation proceedings may take place; and

WHEREAS, the City Council of the City of Graham deems it advisable to proceed in response to this request for annexation.

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

That the City Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the City Council the result of her investigation.

Mayor Pro Tem Linens made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for the property on Jimmie Kerr Road – the date being January 3, 2017, seconded by Council Member Chip Turner. All voted in favor of the motion.

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

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00pm on January 3, 2017.

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

Lying and being in the County of Alamance and being currently known as a portion PID 152801 and all of PID 152800 and being the same parcels as conveyed to Alamance Community college by Deed Book 549 Page 313, Deed Book 709 Page 712 and Deed Book 849 Page 125 and being more particularly described as follows to wit:

Commencing at NCGS Monument "HESS" bearing NC Grid coordinates of N:844,225.05 and E:1,895,704.03 and running thence S 36°02'03"W 2631.85' to a found ½" iron pipe with said iron pipe being the Point Of Beginning and being located in the southern line of the property of Alamance Community College recorded in Deed Book 512 Page 132 and the current line of the City of Graham as represented on the Alamance County GIS system, and bearing NC Grid Coordinates of N:842,096.86 and E:1,894,155.87, said iron also marking the western edge of a 60' Right of Way of Jimmie Kerr Road; thence leaving said Point of Beginning S68°46'57"E 30.05' to a point in the center of Jimmie Kerr Road (S.R.1928); thence along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S06°08'32"W 298.00' and a radius of 739.71' to a point, said point also marking the northeast corner of the property of Alamance Community College recorded in Deed Book 709 Page 712 and Map Book 42 Page 188; thence continuing along the center of Jimmie Kerr Road on a curve to the left having a chord bearing and distance of S09°35'48"E 105.19' and a radius of 733.84' to a point; thence S13°42'01"E 97.82' to a point; thence leaving said center of road N76°01'21"W 33.62' to a found ½" pinch iron pipe located in the western edge of the 60' right of way of Jimmie Kerr Road, thence continuing along the western right of way edge of said road S13°47'02"E 76.16' to a point, thence along a curve to the right having a chord bearing and distance of S04°43'03"W 203.22' and a radius of 649.14' to a point, thence along a curve to the right having a chord bearing and distance of S12°11'05"W 193.67' and a radius of 705.41' to a found ½" iron pipe marking the southeast corner of the property of Alamance Community College recorded in Deed Book 849 Page 125 and Map Book 49 Page 15 and bearing NC Grid coordinates of N:841,133.31 and E:1,894,154.06; thence leaving the western edge of said right of way and running along a common line with the property of David K. Naylor 2014 Trust described in Deed Book 3369 Page 927 N78°45'04"W the following 5 distances, 252.47' to a found ½" iron pipe, thence 159.55' to a found ½" pinch iron pipe, thence 285.24' to a found ½" pinch iron pipe, thence 749.69' to a found ½" pinch iron pipe bearing NC Grid coordinates of N:841,415.54 and E:1,892,734.99 and continuing 30.00' to a point located at the top of bank of the

Haw River, the south west corner of the property described in Deed Book 849 Page 125 and Map Book 49 page 15, thence with the top of bank of the Haw River the following 7 calls; N25°32'35"E 123.27' to a point, thence N27°42'05"E 349.16' to a point, thence N24°46'11"E 64.97' to a point, thence N24°55'54"E 186.30' to a point, thence N24°55'49"E 49.96' to a point, thence N25°15'09"E 343.05' to a point, thence N18°18'54"E 42.01 to a point being the north west corner of the property described in Deed Book 549 Page 313, thence leaving the bank of the Haw River and running with the northern line of Deed Book 549 Page 313 and the current line of the Corporate Limits of the City of Graham as currently represented in the Alamance County GIS system S68°46'57"E the following 3 distances; 29.82' to a found ½" iron pipe bearing NC Grid coordinates of N:842,454.31 and E:1,893,235.18, thence 785.46' to a found ¾" pinch top pipe, thence 202.23' to a found ½" iron pipe and being the Point and Place of Beginning and containing 29.74 Acres+/- as shown on a plat prepared by John P. Scoville III, PLS L-3343 of ESP Associates, P.A., dated September 2nd, 2016 and bearing ESP Project Number ET07.800.

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

“Welcome to Graham” Sign Discussion:

Mr. Holland explained that at the conclusion of last month’s City Council meeting, this item was asked to be brought back before Council for discussion. He reminded that this item was initially brought before Council in April 2016 and following discussion of the exemption staff intended to use from the Development Ordinance, Council directed staff to postpone moving forward with the construction of the sign until review of the current sign ordinance had been completed. Mr. Holland advised after discussing this matter with consultants, it would cost the City approximately \$25,000 to update our sign Ordinance and the City was advised not to do that at this time due to pending litigation at the Supreme Court level.

Council Member and Staff held a lengthy discussion about the size, placement and look of the proposed sign while also discussing the possible placement of future signs throughout the City. By consensus, Council asked Staff to proceed with this proposed sign to be located at the corner of Highway 54 and Cooper Road and bring back their proposal and budget amendment at next month’s Council meeting.

Issues Not on Tonight’s Agenda:

City Clerk Darcy Sperry reminded Council of the City’s Annual Christmas Luncheon to be held on December 14, 2016 and the ACC Business Leader’s breakfast to be held on December 7, 2016.

Council Member Kimrey inquired as to the current membership guidelines of the Planning Board. City Manager Frankie Maness advised that recently Staff realized that the wording in our Development Ordinance does not specifically state that representation for members representing those in the City of Graham must live within the City limits. Council Members asked Staff to start the proceedings which will amend that section of the Development Ordinance, thereby requiring members representing the City to live within the City’s limits.

Council Member Kimrey thanked everyone for the outpouring of support he and his family received during the recent passing of his father, Baker Kimrey.

Council Member McClure advised that there is still time to purchase raffle tickets from the Graham Area Business Association, which will help defray the cost for new Christmas lights.

Mayor Peterman asked Staff to pass along Council's congratulations to the employees responsible for the award recently presented to the City by the Alamance County Beautification Committee.

At 7:52 p.m. Council Member Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk