

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, JULY 2, 2019  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, July 2, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**Council Members Present:**

Mayor Jerry Peterman  
Mayor Pro Tem Lee Kimrey  
Council Member Chip Turner  
Council Member Griffin McClure  
Council Member Melody Wiggins

**Also Present:**

Frankie Maness, City Manager  
Aaron Holland, Assistant City Manager  
Darcy Sperry, City Clerk  
Bryan Coleman, City Attorney  
Bob Ward, City Attorney,  
Mary Faucette, Downtown Development Coordinator  
Duane Flood, Police Lieutenant

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Graham Police Lieutenant Duane Flood gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Consent Agenda:**

- a. Approve Minutes – June 4, 2019 Regular Session*
- b. Approve Request by Daniel Alvis and Max Dearing to close the West Elm Street parking lot from 6:00 p.m. on Friday, September 25, 2019 through 11:00 p.m. on Saturday, September 26, 2019 for the Rockn’ for Research fundraising event, provided the following conditions are met prior to the event:*
  - i. Provide a Certificate of Liability insurance meeting all City requirements*
  - ii. Submit a Temporary Outdoor Sales Permit Application*
  - iii. Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Melody Wiggins asked to pull item “b”.

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

Council Member Wiggins asked the event organizers to step forward and talk about some of the particulars of the event. She also asked if area businesses had been notified that the public parking lot would be closed and inquired about cleanup efforts after the event.

Downtown Development Coordinator Mary Faucette advised that she and other City staff have met with the organizers. During those meetings, those questions Council Member Wiggins asked have been addressed. Mr. Max Dearing of 212 Judge Sharpe Road Graham stepped forward as one of the event organizers. He advised that this event will have various bands, vendors and a barbeque cook-off. He advised that co-sponsors of the event are the Maple Street Tavern, Beer-Co and the Verdict. Proceeds will benefit the Amaranth Diabetes Foundation.

Mr. Dearing advised that he has spoken to some of the surrounding business owners and assured Council Members that the parking lot will be clean after the event.

Mayor Pro Tem Lee Kimrey asked Mrs. Faucette about the use of Extra Duty Solutions for this event. Mrs. Faucette explained that this is a private entity that event coordinators use for booking officers to work the event. The organizer will contract directly with Extra Duty Solutions, thereby taking the burden off the City to provide police services.

Mr. Dearing pointed out that the dates included in the agenda packet were incorrect. The event is scheduled for September 27-28, 2019.

Council Member Wiggins made a motion to approve item “b” on the Consent Agenda with the correct dates of September 27<sup>th</sup> and 28<sup>th</sup>, seconded by Council Member Chip Turner. All voted in favor of the motion.

### **Old Business:**

***a. Quasi-Judicial Public Hearing: Kronbergs Campground (SUP1901). Application by Chuck Talley for a Special Use Permit to permit a Commercial Campground with up to 75 Recreational Vehicle spots upon site (GPIN 8894743697)***

Assistant City Manager Aaron Holland reminded Council that this request was originally brought before Council at the March 2019 meeting and had subsequently been tabled since. He explained that this is a request for a Special Use Permit for a Commercial Campground for property located on Kronbergs Court. The property is currently vacant. Properties zoned Industrial are required by the Development Ordinance to apply for a Special Use permit to allow the use of Commercial Campgrounds. Mr. Holland pointed out a change in staff's recommendation since the original request was received. He advised that the only condition staff is now recommending is a TRC-approved plan shall be in place before any construction activities begin.

Mayor Peterman opened the Quasi-Judicial Public Hearing by asking City Attorney Bryan Coleman to go over the Quasi-Judicial Hearing process. Mr. Coleman read a statement explaining the Council's role in a Quasi-Judicial Hearing. He read that an application for a Special Use Permit requires the City Council to hold a Quasi-Judicial Hearing. The Council will move from its usual role of a legislative body to a judicial body. The Council will be acting as a court would act to establish a factual background to support a decision about the rights of affected land owners. The applicant seeking approval in the Quasi-Judicial Hearing action has the legal burden to present sufficient evidence to support the approval of the application. The Council will take the evidence and obtain exhibits in order to establish the record. If there is an appeal from an aggrieved party, the record would be reviewed by a court of law to determine the validity of the Council's decision. He added that tonight's hearing is for consideration of a Special Use Permit pursuant to the City of Graham's Development Ordinance. He added that this is a Public Hearing and asked that anyone wishing to testify or present relative evidence, come forward to be sworn in. City Clerk Darcy Sperry swore in City Manager Frankie Maness, Mr. Holland, Mr. Chuck Talley, Mrs. Jennifer Talley, Mr. Ryan Moffett and Mr. Chad Huffines.

Mayor Peterman polled the Council for any ex-parte communication. He disclosed that he had spoken to Mr. & Mrs. Talley about this project. Mayor Pro Tem Kimrey asked Mayor Peterman about that conversation. Mayor Peterman stated that he knew the project was coming, but that was the extent of the conversation. By consensus, Council Members saw no reason Mayor Peterman should be recused.

Mayor Peterman asked Mr. Holland to go over the exceptions he spoke about earlier. Mr. Holland stated that since March, staff and the applicant have been working on some of the technical aspects of the project and staff now believes that the first two conditions will be covered in the third condition, which states a TRC-approved plan shall be in place before any construction activities begin as part of approval.

Mr. Moffett of 522 South Lexington Avenue Burlington stepped forward and identified himself as the applicant's attorney. Mr. Moffett reviewed the six conditions for approval laid out in the City's Development Ordinance and how his client has met each condition. Mr. Moffett asked Council to consider the information he provided, as well as information from the applicants, as evidence in support of the required conditions and favorably grant the Special Use Permit as recommended by City Staff.

Mrs. Talley of 808 Sideview Street Graham stepped forward to address Council. She provided Council with an informational packet highlighting the property highlights and area attractions in and surrounding the proposed I-40 Drive-In and Campground. Ms. Sperry labeled the packet Exhibit A and submitted it into evidence. Following a review of the packet by Mrs. Talley, Mayor Pro Tem Kimrey asked about the discrepancy in sites between the original request and the current site plan shown to Council. He added that the original request was for up to 75 sites, while the plan shows 61. Mrs. Talley stated that Planning Director Nathan Page is the one who suggested they ask for 75 sites, in the event that space permits additional sites once construction begins. She added that this would allow them flexibility without having to come back before Council.

Mr. Talley of 808 Sideview Street Graham stepped forward to address Council. Mr. Talley advised that originally they only planned for the Drive-In Theater, however when looking at the property with the environmental company they hired, a stream which ended where the proposed concession stand would be located was identified. Mr. Talley stated that in time, additional streams/wetlands were identified thus making the entrance to the property a bottle-neck. In light of this new information, he met with his engineer Mr. Huffines, as well as City Manager Frankie Maness. It was then that he was told that an RV park was a possible use for that property. He advised that his lender is more enticed to move forward with the second income producing use for the property. He added that he is trying to create a unique destination for those traveling to and through Graham as well as something Graham residents can enjoy.

Mayor Pro Tem Kimrey asked if there would be restrictions on the campers and/or pull along trailers. Mr. Talley stated that this would be a Class A Park which will not have any long-term residents. He added that most Class A Parks limit those who stay to no more than 90 days and all RV's will be parked on a concrete slab. Mayor Pro Tem Kimrey asked about on site water and sewer connections, electricity and shower or laundry facilities. Mr. Talley advised that all sites would have water, sewer and electricity and there would be a bathhouse on site. Mayor Pro Tem Kimrey also asked if there would be an area which would sell supplies. Mr. Talley advised that a general store is proposed for the property. Mayor Pro Tem Kimrey asked if there would be any gas or equipment sales. Mr. Talley stated that there might be golf cart rentals.

Mayor Pro Tem Kimrey asked about playground equipment. Mr. Talley stated that any equipment would be geared toward young children. Mayor Pro Tem Kimrey asked how many of the 61 proposed sites would be located in the 100 year flood plain. Mr. Talley stated all but 12. Mayor Pro Tem Kimrey asked if campers would be required to sign a waiver to exempt the owners and the City from any injury to person arising out of the use of the campground or the property. Mr. Talley stated that they want to reduce the risk for themselves as well as the City and will work all that out with City Attorney Mr. Coleman. Mayor Pro Tem Kimrey asked if the City would be named on general and flood insurance for this campground. Mr. Moffett stated that they have not discussed that yet and are not prepared to say that would be the case. Mr. Moffett added that would be taken care of when they go through the Technical Review Committee process.

Council Member McClure asked what the proposed SCM area is on the plan. Mr. Huffines of 505 East Davis Street stated it is for stormwater control measure. Council Member McClure asked about the various recreational activities planned for the property and if the configuration of the proposed Drive-In screens had been vetted by NCDOT. Mayor Peterman reminded everyone that this Public Hearing is for the campground portion of the property only and questions asked should relate to the campground only. Mr. Holland stated that campgrounds require a Special Use Permit and that is what is before Council at this meeting.

Council Member Turner asked what type of events might be planned for the event space on the proposed plan. Mr. Talley stated that the Drive-In might hold events such as an American Graffiti night where people show up in old cars and dress the part. He also mentioned concerts and car shows as possible events.

Mr. Moffett wanted to revisit his earlier answer to Mayor Pro Tem Kimrey's question about flood risk to the City. He stated that is part of the conversation they will have with Public Works and engineering to make sure that City infrastructure is protected from any risk of flood. He added that as far as insurance, they do not know yet what that definitive measure is going to look like. Flood risk will be addressed. Mayor Pro Tem Kimrey stated that he hopes Mr. Moffett understands his concerns with the City approving a campground in the 100 year flood zone. Mayor Pro Tem Kimrey stated that there are certain risks and the City assumes responsibility with approval and the City being held liable for putting the public in danger by allowing something to occur in the 100 year flood plain. Mr. Moffett acknowledged Mayor Pro Tem Kimrey's concerns.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A TRC-approved plan shall be in place before any construction activities begin.
- All campers in the campground be required to sign a waiver to exempt the City and owners from damages to property and injury to persons arising out of the use of the camping facilities.
- The City of Graham be named as additionally insured on general and flood insurance.

He moved to adopt the Findings of Fact and Conclusions of Law as presented in the staff report and stated that the application is consistent with The Graham 2035 Comprehensive Plan and added that this action is reasonable and in the public interest for the following reasons: It will increase tourism (Policy 2.1.8) in the Comprehensive Plan, and increase the development density to one of our industrial properties. Council Member Wiggins seconded the motion and all voted in favor of the motion.

***b. Public Hearing: Approve Resolution Ordering Closure of a Portion of Baldwin Road***

Mr. Holland explained that at last month's meeting, Council was informed that the City had received a request from Mark & Wanda Blalock for the removal of a proposed roadway, which bisects their land on Baldwin Road. He added that this portion of Right-of-Way exists only on a Plat and has not been constructed. Mr. Holland further added that this section of roadway is not currently counted for the purposes of the Powell Bill and therefore the City receives no funds from the State for it. Staff recommends approval.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing. Council Member Wiggins made a motion to approve the Resolution Ordering the Closing of a portion of Baldwin Road, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

**A RESOLUTION ORDERING THE CLOSING OF A PORTION OF BALDWIN ROAD**

**WHEREAS**, on the 4<sup>th</sup> day of June, 2019, the City Council of the City of Graham directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing a portion of Baldwin Road, a public street right-of-way as described in Exhibit A, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on July 2, 2019; and

**WHEREAS**, the City Council on the 4<sup>th</sup> day of June, 2019, ordered the City Clerk to notify all persons owning property abutting the portion of Baldwin Road by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

**WHEREAS**, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on July 2, 2019; and

**WHEREAS**, it now appears to the satisfaction of the Graham City Council that the closing of a portion of said street is not contrary to the public interest, and that no individual owning property, either abutting the street or in the vicinity of the street, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Graham that a portion of Baldwin Road, as described in Exhibit A, is hereby ordered closed, subject to any reservation of right set forth below and in accordance with G.S. 160-299(c), all right, title, and interest that may be vested in the public to said street are hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

In accordance with G.S. 160A-299(f) the City hereby reserves all of its right, title, and interest in any utility improvement within the closed street with such reservation extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City. The City further declares a utility easement being described as:


Situated in the City of Graham, Graham Township, Alamance County, North Carolina.

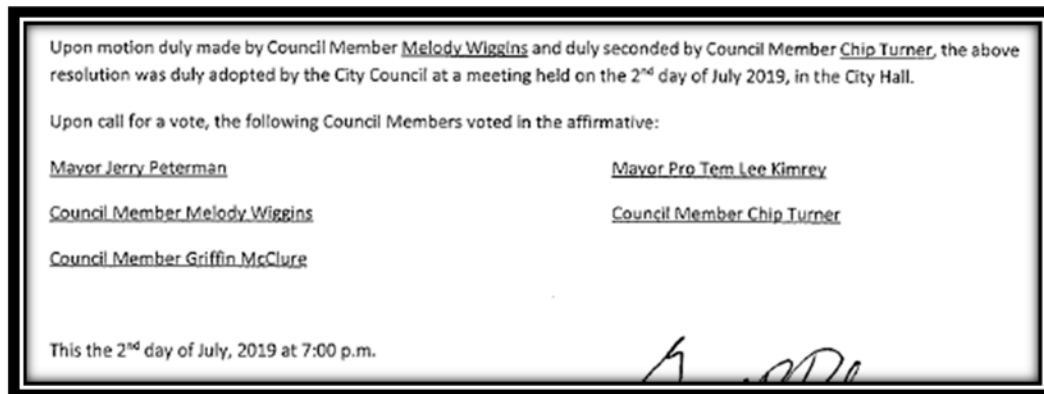
BEGINNING AT A EXISTING IRON PIPE ,A COMMON CORNER WITH PROPERTY OF NORTH CAROLINA STATE HIGHWAY COMMISSION, THENCE N 87°32'54" E, A DISTANCE OF 202.86' TO A MATHEMATICAL POINT, THENCE S 02°48'49" W, A DISTANCE OF 14.44' TO A MATHEMATICAL POINT, THENCE S 88°55'22" W, A DISTANCE OF 203.83' TO A MATHEMATICAL POINT, THENCE N 10°34'55" E, A DISTANCE OF 9.75' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.06 ACRES AS SHOWN AS LOT 4 ON A PLAT TITLED PROPERTY OF MARK T. BLALOCK AND WANDA G. BLALOCK, COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 03/29/19.

In accordance with G.S. 160A-299(b) any person aggrieved by the dosing of this street may appeal the Order to the General Court of Justice within thirty days of its adoption.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed Drive in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Alamance County a certified copy of this Street Closing Order.





- c. **Public Hearing: Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901)***
- i. **Approve Annexation Ordinance***

Mr. Holland explained that this is a request to annex in approximately 111 acres of property off Rogers Road in the corporate City limits. He added that water and sewer are available. Mr. Holland further added that the annexation process has multiple steps and following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process. Staff recommends approval.

Mayor Peterman opened the Public Hearing. Council Member McClure stated that earlier in the day, the Triad Business Journal reported that Shugart Enterprises, LLC had been sold to a company out of Irmo South Carolina. He asked if that might have any effect on this request. City Attorney Bob Ward answered no. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for an area off Rogers Road, seconded by Council Member Wiggins. All voted in favor of the motion.

**ANNEXATION ORDINANCE**  
**TO EXTEND THE CORPORATE LIMITS**  
**OF THE**  
**CITY OF GRAHAM, NORTH CAROLINA**  
**FOR AN AREA OFF ROGERS ROAD (AN1901)**

**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 July 2, 2019, after due notice by publication on June 20, 2019; 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 July 31, 2019:

ALL of that certain piece, parcel or tract of land lying and being in the City of Graham, Graham Township, Alamance County, North Carolina, and being more particularly described as follows:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE
- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE

- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUST FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

**Section 2.** Upon and after July 31, 2019, 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 2<sup>nd</sup> day of July, 2019.



## **Requests & Petitions from Citizens:**

### ***a. Encroachment License Agreement Request by Jason Cox for property on West Elm Street side of 20 SW Court Square***

Mr. Holland explained that Jason Cox has submitted a written request and supporting photos for a proposed grease trap to be installed within the sidewalk on the W. Elm Street side of the property located at 20 SW Court Square. The intent of the grease trap is to serve a future restaurant at the location. An encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. He added that City staff has met and concurs with the proposed location of the grease trap and that Historic Resources Commission approval is not required for this installation. Mr. Holland stated that there is a nominal expense to the City for costs associated with processing and monitoring of the license. He added that staff recommends approval, this proposed project has received all necessary reviews and approvals and there appears to be no conflict within the Right of Way.

Following a brief discussion between Council Members and staff, Mayor Pro Tem Kimrey made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Jason Cox for a proposed grease trap on the W. Elm Street side of the 20 SW Court Square property as identified by the submitted photos with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured.
- Provide a final survey to confirm approved use of public space.
- Improvements under the Encroachment License must be made prior to the expiration of the building permit.

Council Member McClure seconded the motion and all voted in favor of the motion.

## **Alamance County Visitors Bureau Presentation – Grace VandeVisser, Executive Director:**

Ms. Grace VandeVisser of 204 Single Tree Circle Haw River stepped forward and addressed Council. She presented a power point slide show highlighting the Alamance County Visitors Bureau's strategic plan, business objectives, types of marketing and promotion, occupancy tax collections, economic impact expenditures and regional visitor profile for the Piedmont area.

Council Members asked Ms. VandeVisser about grant availability, the order by which the Bureau's logo lists the cities names and the selection process of businesses/restaurants included in the guidebook.

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

Council Member McClure wanted it known that the Small Area Downtown Plan being released next week is just a preliminary draft.

Mrs. Faucette advised that City Planner Alexa Powell wanted everyone to know that the Façade Grant application process has been opened and details can be found on the City's website.

**Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): to consider the performance of the City:**

At 8:44 p.m., Council Member Wiggins made a motion to go into Closed Session, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

At 9:31 p.m., Mayor Pro Tem Kimrey made a motion to reconvene the regular meeting, seconded by Council Member McClure. All voted in favor of the motion. Mayor Peterman advised that Council Members had discussed the performance of the City Manager and read the following statement: The entire Council appreciates the City Manager for his hard work during the past year. The past year was a difficult year especially in personnel, funding and the workload for our employees. Upon request of the City Manager, the Council will allow a 3% pay raise for himself to be divided proportionally to the employees in the pay grades 10-12. Those pay grades would include sanitation collector, general maintenance worker I, general maintenance worker II, plant maintenance mechanic I, police traffic enforcement and utility maintenance worker.

Council Member Wiggins stated she believed Mr. Maness is one of the best City Managers in the State of North Carolina. Council Member McClure commended Mr. Maness for all of his hard work. Council Member Turner stated that Mr. Maness has stood tall in the face of trials and tribulations. Mayor Pro Tem Kimrey spoke of Mr. Maness' availability and response times to questions he may have. Mayor Peterman stated he appreciates Mr. Maness every day. All Council Members spoke of Mr. Maness' unselfish decision to give back to the employees within the City.

At 9:35 p.m., Council Member Turner made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

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Darcy Sperry, City Clerk