

**CITY OF GRAHAM
REGULAR AGENDA
TUESDAY, SEPTEMBER 6, 2016
7:00 P.M.**

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Meeting called to order by the Mayor
Invocation and Pledge of Allegiance

1. Consent Agenda:

- a. Approval of Minutes – August 2, 2016 Regular Session
- b. Tax Releases & Refunds
- c. Appoint Pamela Notchey to Canine Review Board
- d. Appoint Colleen Macklin to Appearance Commission
- e. Request from Graham First United Methodist Church to close East Market Street on October 30, 2016 from 3:00 p.m. - 8:00 p.m. for a Community Trunk or Treat event
- f. Pine Duplex (SUP1601):
 - i. Approve Corrected Decision & Statement of Consistency

2. Old Business:

- a. Review Performance of the City Attorney

3. Requests and Petitions of Citizens:

- a. Petition for Voluntary Contiguous Annexation at 304 Cheeks Lane (AN1602)
 - i. Approve Resolution requesting City Clerk to Investigate Sufficiency
 - ii. Approve Resolution fixing date of Public Hearing on Question of Annexation

4. Recommendations from Planning Board:

- a. Public Hearing: Lacy Ridge (S1601). A request by Chris Foust to create a major subdivision for 12 lots at the intersection of Knightdale Drive and Lacy Holt Road
- b. Public Hearing: Text Amendments for the City of Graham Development Ordinances:
 - i. Harden Street Overlay (AM1618). A Request by Patricia Mayzes to amend the Development Ordinance for the East Harden Street/Highway 54 Overlay District
 - ii. Utility Buildings (AM1619). A request by Randy Freeman to amend the Development Ordinance for Utility Buildings
 - iii. Home Occupations (AM1617)
 - iv. Nonconforming Site Elements (AM1612)

5. Code of Ordinances Amendment:

- a. Amend Code of Ordinances to Add Requirement for Third Party Inspection Reporting to Fire Prevention Code

6. State Grant Resolutions

7. Southern Loop

8. Issues Not on Tonight's Agenda

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, AUGUST 2, 2016
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 2, 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
Nathan Page, Planning Director
Keith Whited, City Attorney
Erin Quigley, Administration Intern
Jeff Prichard, Police Chief
Mike Hodgin, Plant Maintenance Superintendent

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 Resolution:

➤ ***Tony Fogleman - Resolution of Commendation and Appreciation***

Mayor Jerry Peterman presented Mr. Tony Fogleman with a gift from the City of Graham and thanked him for his five (5) plus years of service to the City of Graham. Mr. Fogleman thanked the City while Wastewater Plant Maintenance Superintendent Mike Hodgin told everyone in attendance that it had been a pleasure to work with Tony.

**RESOLUTION OF COMMENDATION AND APPRECIATION TO
TONY FOGLEMAN
FOR HIS SERVICE TO THE CITY OF GRAHAM**

WHEREAS, Tony Fogleman diligently served the City of Graham Wastewater Treatment Plant from January 18, 2011 until July 31, 2016; and

WHEREAS, Tony retired as a Maintenance Mechanic II at the City of Graham Wastewater Treatment Plant on July 31, 2016 with over 5 years of service; and

WHEREAS, his wisdom, care and dedication has commanded the utmost respect from his colleagues and employees; and

WHEREAS, it is the desire of the City Council to extend their deepest appreciation to Tony for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT: Tony be commended for his outstanding public service to the City of Graham.

BE IT FURTHER RESOLVED THAT: an expression of appreciation be extended to Mr. Tony Fogleman in the form of this Resolution of Commendation and Appreciation, and that this Resolution become a part of the official records of the City of Graham for all of time, and the original thereof be presented to him in person.

This the 2nd day of August 2016.

Consent Agenda:

- a. Approval of Minutes – July 5, 2016 Regular Session*
- b. Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
528203	2015	GRANDSTAFF, TADD A.	BOAT SOLD	4.55
528203	2016	GRANDSTAFF, TADD A.	BOAT SOLD	17.75
643740	2016	BROWN, CHRISTIE D.	SOLD BOAT 2013	4.82
656686	2016	PICKARD, GARY DEAN	SOLD BOAT 2013	3.87
501335	2016	MATTHEWS, TIMOTHY I.	SOLD TREE SERVICE BUSINESS	2.96
TOTAL RELEASES				33.95

CITY OF GRAHAM REFUNDS				
AUGUST COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED
469429	2015	CLARK, DARLEEN JANE	MOVED TO VA	2.62
TOTAL REFUNDS				2.62

- c. *Tax Collector Year End Report*
- d. *2015 Outstanding Tax Listing*
- e. *Recreation Commission Removals and Appointments*

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.

Old Business:

- a. **Public Hearing: Text Amendment for the City of Graham Development Ordinances:**
 - i. **Table of Permitted Uses (AM1614)**

Planning Director Nathan Page explained that per Council's request at last month's meeting, he looked at the uses currently permitted in the B-3 District that would be removed with this proposed amendment. Mr. Page stated that based on his interpretation of the proposed amended Table of Permitted Uses, all of those uses being removed can be accounted for under another use currently in or being added to the table.

Council Member Lee Kimrey expressed concern with the removal of some uses and the interpretation by future administrations to determine whether or not a use by right would be permitted. Mr. Page advised that current North Carolina law does not allow you to totally exclude a use. Law states you must compare that use to the closest use in the table to make a final determination.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, closed the Public Hearing.

Mayor Pro Tem Linens made a motion that the text amendment be approved and that the text amendment is consistent with The Graham 2035 Comprehensive Plan, seconded by Council Member McClure. Ayes: Mayor Pro Tem Linens, Council Member McClure, Mayor Peterman and Council Member Turner. Nays: Council Member Kimrey. Motion carried 4:1.

With no objection from anyone in attendance, Mayor Peterman announced that he was moving the next agenda item, Review Performance of the City Attorney, to the end of the meeting.

Recommendations from Planning Board:

a. Public Hearing: Shamrock Valley (CR0501). This is an amendment to the Conditional Zoning the City did to permit the property owners to build to their rear property line.

Mr. Page explained that the applicant is requesting the ability to build to their rear property lines. He added that in this particular portion of the development, there is common area that borders all of the adjacent properties. This request is not for the property owners to be able to build to the property line adjacent to their neighbor but rather be able to build adjacent to the common area property line.

Following general discussion regarding the original setbacks and the common area per the site plan submitted, Mayor Peterman opened the Public Hearing.

Mr. Jimmy Collins, 5556 Friendship Patterson Road, stepped forward to speak. Mr. Collins advised that he is the builder for this development and that it had been brought to his attention that he has built some sunrooms that are nonconforming. He added that he secured signatures from all residents of this section of the development indicating that everyone is in agreement with this request. Council Members asked Mr. Collins about existing sunrooms and covered porches, decks and if homeowners were ever made aware of restrictions pertaining to adding sunrooms and/or porches.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the text amendment be approved with the following conditions:

- Structure can be added to rear property line provided it ties into the existing roof line and matches the character of the neighborhood
- There are no decks

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: While the development doesn't strictly comply with the Suburban Residential type, the homeowners of the entire development have requested to be permitted to construct porches or sunrooms to be better able to use their backyards. Council Member Chip Turner seconded the motion and all voted in favor of the motion.

b. Public Hearing: Pine Duplex (RZ1603). This is a request to rezone property at 521 E. Pine Street from R-12 to R-7.

Mr. Page explained that this is an application to rezone the property to R-7 which will then lead to a request for a Special Use Permit which will allow a duplex. He added that the duplex currently there went through a past rezoning, in which the City created a nonconforming use for this property. Mr. Page advised that he wants to give the applicant the opportunity to clear up the zoning for this property.

Council Members asked Mr. Page if the duplex is still being used as a duplex. Mr. Page advised that it is.

Mayor Peterman opened the Public Hearing.

Ms. Lynda Allred, of Lynda Allred Realty, stepped forward to speak on behalf of the applicants. She handed out pictures taken of the property showing it as a duplex. She indicated that the current owners are trying to sell the property and when looking into the property's history, they found that it is currently considered nonconforming due to a past rezoning. Ms. Allred reiterated that it is their desire to have this cleared up before a sale should take place. Council Members asked Ms. Allred if the duplex has been continuously used as a duplex and she said it has. Council Members verified with Ms. Allred that there are two (2) separate driveways, as the pictures indicate. Ms. Allred advised that there are.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion that the application be approved, that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: It furthers the policies and strategies put forth in that plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

c. Quasi-Judicial Public Hearing: Pine Duplex (SUP1602). This is a request for a Special Use Permit for a Dwelling, Duplex for property located at 521 E. Pine Street.

Mayor Peterman recessed the regular Council meeting in order to convene a Quasi-Judicial Public Hearing. Mayor Peterman polled the Council for any financial interests, fixed opinions or communications regarding the property. Mayor Peterman disclosed that he is neighbors with the applicants and has spoken to them about the property. He further stated that he believes that this will not affect his decision making capabilities but would recuse himself if the Council asked him to. No Council Member objected.

City Attorney Keith Whited swore in Mr. Page and Ms. Lynda Allred.

Mr. Whited directed the pictures of the property Ms. Allred previously passed out to be labeled Exhibit "A" and entered into evidence. Mr. Page explained that this is a request for a Special Use Permit to bring the existing duplex on the property into compliance with the current development ordinance. He reminded Council that based on the preceding agenda item, the property is now zoned R-7, therefore it is eligible to be considered for a Special Use Permit.

Council Member Kimrey asked Ms. Allred to verify that the property has two (2) driveways and two (2) sidewalks and has adequate parking for a duplex as per the pictures submitted into evidence. Ms. Allred verified that to be true and accurate.

Mayor Peterman closed the Quasi-Judicial Public Hearing.

Council Member Turner made a motion that the application be approved as presented, to adopt the Findings of Fact and Conclusions of Law as presented in the staff report, the application is consistent with The Graham 2035 Comprehensive Plan and the action is reasonable and in the public interest for the following reasons: The proposed Special Use Permit is compatible with the area and meets all six (6) conditions required by Section 10.144 of the Development Ordinance, seconded by Council Member Kimrey. 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 R-12, a duplex is permitted only with a rezoning (R-7) and a special use permit, or a rezoning to R-MF or R-G.*
2. Conditions specific to each use, identified by the Development Ordinance, are complied with.
 - *There are no conditions specific to “dwelling, duplex.”*
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 continued use of the location as a duplex 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 continued use of the location of a duplex 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 duplex is located in a neighborhood residential section of Graham, and is in general conformity with The Graham 2035 Comprehensive Plan.*
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.
 - *All said items have been functioning satisfactorily for the 60 years that the lot has been functioning as a duplex.*

d. Public Hearing: Jay Industrial (RZ1604). This is a request to rezone property at 1201 Jay Lane from I-1 to I-2.

Mr. Page explained the reason for this request is to permit the finishing of textile products and that adjacent buildings to the West and Northwest are already zoned I-2, with all of the other surrounding property zoned I-1. He added that there is property directly across Interstate 40/85 that is zoned R-18, however he feels that there is a large enough barrier to where he does not consider that to be adjacent to the subject property.

Council Member Kimrey asked Mr. Page to confirm that this property meets the building setbacks on the front and parking setbacks for the I-2 use. Mr. Page stated that since he had not seen a survey, he did not know the answers to that question.

Mayor Peterman opened the Public Hearing.

Mr. Ryan Moffett of the Vernon Law Firm stepped forward to address the Council. Mr. Moffett indicated that he was representing Empire Building, LLC - the owner of the property. Mr. Moffett advised that the prospective tenant for this building expects to add approximately thirty (30) full-time jobs to Graham should this rezoning be approved. He added that the prospective tenant also expects to have a relatively low environmental impact as well despite operating a textile finishing procedures at the site.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved as presented, that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Rezoning the property would be consistent with the Industrial type. I-2 would permit manufacturing and would breathe new life into a vacant property. Council Member McClure seconded the motion and all voted in favor of the motion.

e. Public Hearing: Text Amendment for the City of Graham Development Ordinances:

i. Removal of Planned Unit Development (AM1615)

Mr. Page explained that Staff proposes to amend the Development Ordinance, Article IV, Division 8, Planned Unit Development Overlay District. He added that this amendment is proposed because the PUD is a tool that has been replaced with Conditional Zoning and the most recent PUD issued by the City was in 2004 (Hideaway Farms and Old Fields) and the first was in 1999 (Villas on Hanford).

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Mayor Pro Tem Linens made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The proposed amendment simplifies the development process by removing complicated procedure that hasn't been utilized in more than a decade. Council Member Turner seconded the motion and all voted in favor of the motion.

ii. Removal of Protest Petition (AM1616)

Mr. Page explained that this amendment has been brought about by a change the General Assembly has made that has forced our hand. He stated that the Protest Petition is no longer a valid form of protesting against an amendment to our zoning ordinance or zoning map.

Council Members asked Mr. Whited if law permits Council to extend the right to be heard to residents of our Extra-Territorial Jurisdiction (ETJ). Mr. Whited advised that we are authorized by law to do so.

With no comments forthcoming, Mayor Peterman opened and closed the Public Hearing.

Council Member McClure made a motion that the text amendment be approved, that the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The proposed amendment brings into alignment with the NC SL 2015-160, but also respects the input of the residents of our ETJ. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Economic Development:

- a. ***Public Hearing:*** *to receive comments on a proposal to extend economic development incentives for a proposed manufacturing and support facility to be constructed in the North Carolina Commerce Park (NCCP). The proposed incentive would include a total cash grant in the amount of \$1,065,000 over a five year period and the waiver of development fees valued at \$100,000 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 have constructed upon the site, improvements consisting of a facility which will employ not less than 205 full time positions with average salaries of \$46,322 and which will increase the tax base by not less than \$15,300,000. Funding for the incentives will come from fund balances on hand and will not require a tax increase by any of the governmental units.*

City Manager Frankie Maness explained that this was the Public Hearing to receive public comment on an incentive proposal for Project Prescient. He advised that this Colorado based company is considering a location within the North Carolina Commerce Park (NCCP). He reminded everyone in attendance that the NCCP is a joint undertaking between Alamance County and the Cities of Graham and Mebane to entice industrial development in the Hawfield's area. Mr. Maness added that Project Prescient proposes to invest \$15.3 million dollars in the NCCP, deliver at least 205 fulltime jobs averaging \$46,322 by the end of 2018. The proposed project site sits on the Mebane side of the existing line of agreement between Graham and Mebane, however due to the Interlocal Agreement for this park, Graham, Mebane and Alamance County share in the expenses such as incentives and infrastructure, as well as revenues. Mr. Maness explained that the total cash incentive is \$1,065,000 with \$300,000 being an initial grant payable upon the construction of the facility (certificate of occupancy) with the balance paid in five (5) annual installments beginning on the first anniversary of the certificate of occupancy. There will be a waiver of permit and inspection fees for the initial construction with a value not to exceed \$100,000. Graham's total share pursuant to the Agreement would equal \$388,333. It is proposed that there will be typical clawback provisions that try and capture a minimum investment of \$15.3 million dollars, 205 fulltime positions averaging \$46,322. Graham's total share would be \$388,333 and Staff recommends approval of the Resolution presented.

Council Members and Staff spoke of future revenues and the economic impact of the estimated \$9.5 million dollar annual payroll for this project. Mr. Maness advised that Alamance County and Mebane approved this incentive agreement yesterday at their respective meetings.

Mayor Peterman opened the Public Hearing.

Mr. Mac Williams, 610 S. Lexington Avenue Burlington and President of the Alamance County Chamber of Commerce, stepped forward and told Council that we are in a competitive situation. He thanked Mr. Maness for his hard work and attention to detail while collaborating with Mr. Craig Honeycutt and Mr. David Cheek to put this incentive package together as well as recognizing the hard work of the leaders of all three (3) entities that allows for us to be competitive for projects such as this.

Ms. Katie Culp, President of KSM Location Advisors, stepped forward representing Prescient Company, Inc. Her company specializes in site consulting work and has been retained by Prescient Company, Inc. to look into opening a second office in the Southeast. She advised that it has come down to this location in the NCCP and a site in Atlanta and she expects the company to make a decision within the next couple of weeks.

Council Members discussed with Ms. Culp factors such as the strength of our areas workforce, flight access from this area, the company's aggressive time frame for construction, production services and the hiring of local workers.

With no further discussion or comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion to approve the Incentive Agreement for Project Prescient Company, Inc. 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.

RESOLUTION AUTHORIZING AN INCENTIVE AGREEMENT FOR PROJECT PRESCIENT

WHEREAS, Prescient Company, Inc. is considering the location of a new manufacturing facility in the North Carolina Commerce Park (NCCP), which is an economic development zone under an extended agreement between Graham, Mebane and Alamance County, by December 31, 2018; and

WHEREAS, the location of this manufacturing facility within the NCCP will involve new capital investment (including, building, machinery and equipment) of approximately Fifteen Million Three Hundred Thousand (\$15,300,000.00) and the creation of two hundred five (205) full time employment positions with average annual salaries of \$46,322.00; and

WHEREAS, an incentive package totaling \$1,165,000 is being considered by Graham, Mebane and Alamance County as inducement for the location; and

WHEREAS, G.S. Section 160A-20.1, 158-7.1, and 158-7.2, as construed by the North Carolina Supreme Court in its opinion in Maready v. The City of Winston-Salem, et al, 342 N.C. 708 (1996), permits the City to enter into an agreement with Prescient Company, Inc.; and

WHEREAS, Graham, Mebane and Alamance County find that in order to aid and encourage the construction of the facility and installation of the machinery and equipment in the NCCP, it is necessary and desirable to assist and reimburse the Company for a portion of its construction costs and new equipment costs;

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

Reimbursing Prescient Company, Inc for a portion of its construction and equipment costs serves a public purpose and will increase the taxable property base for the County and Cities of Graham and Mebane, and help create not less than two hundred five (205) new jobs in the County, all of which will result in an added and valued benefit to the taxpayers of the City.

BE IT FURTHER RESOLVED that:

1. The Mayor, City Manager, City Attorney, City Clerk and Finance Officer are authorized to enter into an incentive agreement with Prescient for a maximum participation of \$388,333 from the City of Graham;
2. That the cash incentive be payable as follows:
 - \$100,000 upon issuance of Certificate of Occupancy
 - \$51,000 within 30 days after the First anniversary date of the certificate of occupancy
 - \$51,000 within 30 days after Second anniversary date of the certificate of occupancy
 - \$51,000 within 30 days after Third anniversary date of the certificate of occupancy
 - \$51,000 within 30 days after Fourth anniversary date of the certificate of occupancy
 - \$51,000 within 30 days after Fifth anniversary date of the certificate of occupancy;
3. The agreement must include assurances for the investment of \$15,300,000 of taxable property within the geographic boundaries of the North Carolina Commerce Park, as established by Compact approved on May 2, 2013, and the creation of 205 jobs with average annual gross wages of \$46,322; and
4. The agreement must also include that Prescient account to the City Staff each year prior to receiving any cash incentive payment and any personal property must remain taxable in the economic development zone for each year in which an incentive is sought. Any failure to meet the investment, job creation and wage thresholds will result in proration of the incentive cash payment for that year.

Adopted this 2nd day of August 2016.

Old Business: (continued from earlier)

b. Review Performance of the City Attorney

Mayor Peterman explained that due to Mr. Whited's absence from last month's meeting, this agenda item was not discussed in closed session, but was discussed in open session and it was unanimously agreed to table this item until tonight's meeting.

Mr. Whited advised Council that at last month's meeting, Mr. Tom Boney of the Alamance News incorrectly reported NC Law pertaining to closed session to Mayor Peterman prior to going into closed session last month. Mr. Whited stated that the State of NC requires each municipality to have a lawyer and acknowledges that Council has a right or privilege to talk to your lawyer at any time or among themselves about what your lawyer has said – as per N.C.G.S. §. 143-318-11. Mr. Whited concluded by stating that Council's relationship with the City Attorney is always protected.

Mr. Tom Boney of the Alamance News stepped forward to respond to Mr. Whited's comments. Mr. Boney argued that since Mr. Whited is not currently an employee of the City, but rather a subcontractor, his evaluation would have to be done in open session. Mr. Boney alleges that the issues the City is dealing with pertaining to Mr. Whited are fiscal issues and not performance based. Mr. Boney strongly requested that the Council record the meeting should they go into closed session so that it would be subject to review by a court in the event this is challenged. Mayor Peterman advised that they would talk about Mr. Whited's performance evaluation in closed session and then talk about his salary in open session.

At 8:46 p.m. Mayor Peterman made a motion to go into Closed Session to Consider the Conditions of Appointment of the City Attorney Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6), seconded by Council Member Turner. Ayes: Mayor Peterman, Council Member Turner, Mayor Pro Tem Linens and Council Member McClure. Nays: Council Member Kimrey. Motion carried 4:1.

At 8:56 p.m. Council Member Turner made a motion to reconvene the open session, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Mayor Peterman read the following prepared statement:

Trust is something that is earned and Keith has earned this entire Council's trust. We'd like to give a thank you to him for his hard work and diligence to the City of Graham.

Council Members took turns expressing their appreciation and thanks to Mr. Whited, while Mr. Whited told Council that he truly enjoys working for the City.

Council Members and Staff then discussed the idea of changing to the current arrangement by which Mr. Whited works for the City. Mr. Maness spoke of the advantages for the City to have an attorney paid through payroll versus the current contractual paid through accounts payable. He informed Council that there are thresholds for the NC Retirement System and the Affordable Care Act and we have to be cognizant of those when adding a part time employee. Mr. Maness recommended that Council have an employment agreement outlining the parameters of employment for Mr. Whited. Mayor Peterman instructed Mr. Maness and Mr. Whited to work together to create an employment agreement to present to Council at next month's meeting.

Issues Not on Tonight's Agenda

Mayor Pro Tem Linens expressed his appreciation for those responsible for taking care of the potholes on South Main Street.

Council Member Kimrey asked Mr. Maness about the status of the Economic Development Committee creating an overlay district for the NCCP. Mr. Maness advised that while it has been discussed internally among Graham Staff, it's currently on the backburner with the Committee.

Mr. Maness thanked Administrative Intern Erin Quigley for her help this summer and wished her well in her upcoming senior year of college.

Mayor Peterman thanked Police Chief Jeff Prichard for the work his department continues to do on a daily basis.

At 9:17 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

**CITY OF GRAHAM
RELEASE ACCOUNTS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
588681	2016	BIG ROCK SPORTS LLC	ADJUST LATE FEE	381.71
648878	2016	BELTON LLC	CHANGED ASSET VALUES	374.89
5353	2016	ERMA BUSH	QUALIFIED FOR HOMESTEAD EXEMPTION	184.83
581245	2016	WILLIAM A PERRY JR	ABATE HOMESTEAD EXEMPTION ACCT	566.21
620804	2016	DARLENE MORGAN	QUALIFIED FOR HOMESTEAD EXEMPTION	246.25
628850	2016	BERTHA BAKER L/E	ABATE HOMESTEAD EXEMPTION ACCT	220.68
645731	2016	ANNE GARNER	QUALIFIED FOR HOMESTEAD EXEMPTION	138.05
653822	2016	FLORINE W MOIZE	QUALIFIED FOR HOMESTEAD EXEMPTION	158.93
655763	2016	GEORGE L PRITCHARD JR	VALUE ADJUSTMENTS BY ALA CO	210.07
657004	2016	THOMAS W KIMBRO	CLERICAL ERROR	153.76
114344	2016	PURE FLOW INC	TRUCKS NOT IN CITY OF GRAHAM	719.46
401802	2016	TYSON S TEAGUE	SOLD PRIOR TO JANUARY 2016	36.69
458575	2014	PAUL H CORBETT	SOLD BOAT 2013	48.69
458575	2015	PAUL H CORBETT	SOLD BOAT 2013	94.87
458575	2016	PAUL H CORBETT	SOLD BOAT 2013	98.70
458995	2016	CIT TECH FINANCING	VALUE ADJUSTMENTS BY ALA CO	132.05
486619	2016	GLENN HUTCHERSON	NO LONGER OWNS BOAT	29.20
611784	2016	GRAHAM MARINE SALES	SOLD BOAT IN 2014	20.12
614337	2016	JOEL ALAN DEAN	DID NOT OWN JAN 2016	5.01
657283	2016	US CAR TOOL	BUSINESS NOT STARTED IN JAN 2016	10.04
659223	2016	M H ROBERTS PA	NOT IN THE CITY OF GRAHAM	172.41
648047	2016	SALEM LEASING CORP	22 TRUCKS WITH IRP TAGS VALUED INCORRECTLY	1,286.67

TOTAL RELEASES 5,289.29

**CITY OF GRAHAM
REFUNDS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>AMOUNT REFUNDED</u>
493528	2011	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2012	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2013	BRENDA A MURPHY	CLERICAL ERROR	13.75
493528	2014	BRENDA A MURPHY	CLERICAL ERROR	14.22
493528	2015	BRENDA A MURPHY	CLERICAL ERROR	14.22
77957	2014	UNIFI MANUFACTURING	INITIAL VALUE RELEASED IN JUNE 2016	5009.25
77957	2015	UNIFI MANUFACTURING	WAS MISCALCULATED	2907.22

TOTAL REFUNDS 7,986.16

Darcy Sperry

From: Leigh Ann Whittle <leighannwhittle1@gmail.com>
Sent: Thursday, August 04, 2016 10:34 AM
To: Darcy Sperry
Cc: Pamela Notchey
Subject: Re: City of Graham Canine Review Board

Thank you, Ms. Sperry.

On behalf of the Humane Society Board of Directors, I would like to nominate Pamela Notchey as our representative. She is currently our Foster Coordinator and has brilliantly assumed many of our Executive Director duties as we transition from Kelly's capacity in that role. Pamela has spent many years working with animals and non-profits, and I and the board are more than confident she will serve the Canine Review Board well. She may be reached via email at pamela.hsac@gmail.com, and I have copied her on this email.

Please let me know if there is anything further you need from me or the board.

Thank you again and regards,
Leigh Ann

Leigh Ann Whittle, M.A., M.Ed.
Sapphire Communications, LLC
336.264.0887 | leighannwhittle1@gmail.com | www.shinewithsapphire.com

On Wed, Aug 3, 2016 at 9:49 AM, Darcy Sperry <dsperry@cityofgraham.com> wrote:

Ms. Whittle,

Thank you for responding to the email I sent to Kelly yesterday. We would very much like to have someone from the Humane Society represented on our Canine Review Board, so I ask that you proceed with a nomination. As I discussed with Kelly, we will need something from your Board that I can pass along to our Council so that they can make the formal appointment. Thank you so much for contacting me and please feel free to call me if you should have any questions. Have a great day! ☺

Darcy Sperry

City Clerk

City of Graham

PO Drawer 357

Graham, NC 27253

Office: (336)570-6700 ext. 134

Fax: (336)570-6703

Email: dsperry@cityofgraham.com



From: Leigh Ann Whittle [mailto:leighannwhittle1@gmail.com]

Sent: Wednesday, August 03, 2016 9:38 AM

To: Darcy Sperry

Subject: Fwd: City of Graham Canine Review Board

Ms. Sperry,

Thank you for your interest in having Kelly Ronnow serve on the Canine Review Board. Unfortunately, Kelly has left our organization to pursue other interests, so she will be unable to serve on the board. However, if you wish to have the Humane Society of Alamance County represented on the board, I would be happy to have our board nominate another individual to serve. Please let me know if that will be acceptable.

Thank you again.

Regards,

Leigh Ann

Leigh Ann Whittle, M.A., M.Ed.

President, Board of Directors

Humane Society of Alamance County

336.264.0887 | leighannwhittle1@gmail.com

----- Forwarded message -----

From: **Darcy Sperry** <dsperry@cityofgraham.com>

Date: Mon, Aug 1, 2016 at 2:35 PM

Subject: RE: City of Graham Canine Review Board

To: Kelly Ronnow <kellyr.hsac@gmail.com>

Kelly,

Good Afternoon! I am just following up with you regarding our phone conversation back on June 8th. Has your Board met since then and would you by chance have something from them indicating their recommendation for you to serve on our Canine Review Board? Please advise when you have a moment. Thank you and have a great day! ☺

Darcy Sperry

City Clerk

City of Graham

PO Drawer 357

Graham, NC 27253

Office: [\(336\)570-6700 ext. 134](tel:(336)570-6700)

Fax: [\(336\)570-6703](tel:(336)570-6703)

Email: dsperry@cityofgraham.com



Volunteer Application City of Graham Boards and Commissions

RECEIVED

AUG 18 2016

CITY OF GRAHAM

If you are a City of Graham resident or reside in the extra-territorial jurisdiction (ETJ), at least 18 years, and are willing to volunteer your time and expertise to your community, please complete and return to:

By mail: City of Graham, Attn: City Clerk, PO Drawer 357, Graham, NC 27253

By email: aburgess@cityofgraham.com

By Fax: (336)570-6703

For questions, call: (336)570-6700

Please check all Boards and Commissions on which you would be willing to serve:

Extra-territorial residents can only serve on the Board of Adjustment or the Planning Board

- | | |
|---|---|
| <input type="checkbox"/> Alcohol Beverage Control (3 years) | <input type="checkbox"/> Canine Review Board (3 years) |
| <input type="checkbox"/> Board of Adjustment (3 years) | <input type="checkbox"/> Planning Board (3 years) |
| <input checked="" type="checkbox"/> Appearance Commission (4 years) | <input type="checkbox"/> Recreation Commission (3 years) |
| <input type="checkbox"/> Graham Housing Authority (5 years) | <input type="checkbox"/> Tree Board (3 years) |
| <input type="checkbox"/> Graham Historical Museum (3 years) | <input type="checkbox"/> Historic District Commission (4 years) |
| <input type="checkbox"/> Graham Sports Hall of Fame (6 years) | |

If you are currently serving on a Board in the City of Graham, please list:

Personal Information

Name: Colleen Macklin

Mailing Address: 113 Haley Ct. Graham, NC

Home Address (if different) _____

Home Phone: 336-266-7128 Work Phone: _____

Employer: ACC Position: parttime librarian

Email Address: cmmacklin@gmail.com

Civic Involvement (please list the names of civic organizations in which you hold current membership):

Alamance Co. Democratic Party

Please list any work, volunteer, and/or educational experience that you would like us to consider

Variety of positions @ Macedonia Lutheran Church

Why do you wish to serve the City in this capacity?

Nathan Page suggested that I could make a positive contribution to this commission. I am interested in getting involved in county govt. since my retirement from ADSS.



First United Methodist Church Graham, NC

August 29, 2016

Graham City Council Members,

First UMC Graham will be hosting a community trunk-or-treat event on Sun, Oct 30 from 5pm - 7pm at the church (303 North Main Street). The church would like to request that East Market Street be closed from 3pm-8pm to accommodate our trick or treating area (candy give away, games, and inflatables). We plan to use only the first 50 yards of East Market Street (next to the church), so neighbors can still access their homes from the other end. Please contact me via email at brian@fumcgraham-nc.org or on my cell at 919-428-1841 if you have any questions.

Thank you for considering this request!

Sincerely,

Brian Yoder
Director of Children and Discipleship Ministries
First United Methodist Church, Graham



CERTIFICATE OF LIABILITY INSURANCE

Page 20 of 23 (MM/DD/YYYY)

08/26/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Church Mutual Insurance Company 3000 Schuster Lane P.O. Box 357 Merrill WI 54452		CONTACT NAME: Connie M Krueger PHONE (A/C, No, Ext): 1-800-554-2642 Option 1 E-MAIL ADDRESS: cs14@churchmutual.com FAX (A/C, No): 855-264-2329	
INSURED FIRST UNITED METHODIST CHURCH GRAHAM ALAMANCE COUNTY NORTH CAROLINA INC 303 N MAIN ST GRAHAM NC 27253-2838		INSURER(S) AFFORDING COVERAGE INSURER A: Church Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18767	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

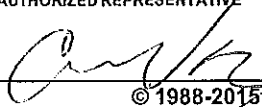
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y		0088176-02-710334	08/01/2014	08/01/2017	EACH OCCURRENCE \$ 2,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000						
	MED EXP (Any one person) \$ 10,000						
	PERSONAL & ADV INJURY \$ 2,000,000						
							GENERAL AGGREGATE \$ 5,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED \$ RETENTION \$						EACH OCCURRENCE \$
							AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of general liability insurance for a permit for closing of Market Street between North Main and Marshall Streets, Graham, NC for a Trunk or Treat Event on October 30, 2016. Commercial General Liability Additional Insured: City of Graham subject to the coverage provided by the referenced policy. srp 589 - A225

CERTIFICATE HOLDER**CANCELLATION**

CITY OF GRAHAM PO BOX 357 GRAHAM NC 272530357	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	---

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City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the comprehensive plan and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the City Council.

Pine Duplex (SUP1601)

Type of Request
Special Use Permit

Meeting Dates
Planning Board on July 19, 2016
City Council on August 2, 2016

1. Choose one...

- ☒ I move that the application be **APPROVED** as presented.
- ☐ I move that the application be **APPROVED** with the following conditions:
~~o [Insert additional conditions]~~
- ☐ I move that the application be **DENIED**.

2. Choose one...

- ☒ I move to adopt the Findings of Fact and Conclusions of Law as presented in the staff report.
- ☐ I move to adopt the Findings of Fact and Conclusions of Law presented in the staff report with the following revisions:

3. Choose one...

- ☒ The application is consistent with The Graham 2035 Comprehensive Plan. ~~the City of Graham Growth Management Plan 2000-2020. (Corrected 8/3/2016)~~
- ☐ The application is **not fully consistent** with The Graham 2035 Comprehensive Plan. ~~the City of Graham Growth Management Plan 2000-2020. (Corrected 8/3/2016)~~

4. State reasons...

This action is reasonable and in the public interest for the following reasons:

- o The proposed special use permit is compatible with the area and meets all six conditions required by Section 10.144 of the *Development Ordinance*.

This report reflects the decision of the City Council, this the 2nd day of August, 2016.

Attest:


Gerald R. Peterman, Mayor


Darcy L. Sperry, City Clerk

Garland Keith Whited Employment Agreement

Introduction

This Agreement, made and entered into this the ____ day of _____, 2016, by and between the City of Graham of North Carolina, The City of Graham a municipal corporation, (hereinafter called, "Employer,") and Garland Keith Whited, (hereinafter called "Employee,") an individual who has the education, training and experience in the practice of local government law and who is subject to the North Carolina Code of Professional Conduct for practicing attorneys in the State of North Carolina, both of whom agree as follows:

Section 1: Term

A. This agreement shall remain in full force in effect from October 1, 2016 until terminated by the Employer or Employee as provided in Section 7, 8 or 9 of this agreement.

Section 2: Duties and Authority

Employer acknowledges that Garland Keith Whited has been licensed and in good standing in the North Carolina State Bar since August of 1981, and has 35 years of experience in the practice of law in Alamance County, North Carolina. He is admitted to practice before all of the State and Federal Courts in North Carolina, and on October 17, 1994 was admitted to practice before the United States Supreme Court. Garland Keith Whited has served as City Attorney for City of Graham, North Carolina since November of 2007, on an hourly retained basis.

Employer agrees to employ Garland Keith Whited, on a permanent part time basis, as City Attorney, as that office is defined in the North Carolina law, to perform the functions and duties specified in the North Carolina General Statutes, the City of Graham Charter and Code of Ordinances and to perform other legally permissible and proper duties and functions.

Section 3: Compensation

A. Base Salary: Employer agrees to pay Employee an annual base salary of \$47,476.00 payable in installments at the same time that the other employees of the Employer are paid.

B. This agreement shall be automatically amended to reflect any across the board cost of living adjustments granted to other employees of the employer.

C. Consideration shall be given on an annual basis to increase compensation. Increased compensation can be in the form of a salary increase and/or a bonus.

D. This position is considered exempt under the Fair Labor Standards Act (FLSA). If salary adjustments provided in Section 3, B and C are not sufficient to meet the minimum salary required to meet exempt status, Employee's salary will be automatically adjusted to the minimum FLSA threshold for exempt status.

Section 4: Fringe Benefits: Including but not limited to Health, Disability and Life Insurance Benefits, Vacation, Sick, Medical Doctor, and Military Leave, and Longevity Pay

- A. The Employer and the Employee agree that this employment agreement is for permanent part time employment, and as such is not subject to any of the fringe benefits that are made available to full time employees under the State Public personnel act or City of Graham Personnel Policy Manual, including Insurance Benefits, Vacation Pay, Sick Leave, Pension or Longevity Pay.
- B. However, upon commencing employment, the Employee shall be entitled to 32 personal hours per year, without affecting his installment payment hereunder.
- C. Upon commencing employment, the Employee shall have access reasonable sick days to be used in the case of serious medical conditions.
- D. The Employer and Employee agree that he will not be enrolled in the applicable state or local retirement and 401k system and no contributions on the Employee's behalf.

Section 5: Automobile

The Employee's duties require exclusive and unrestricted use of an automobile. It shall be mutually agreed upon that the Employee shall provide his own automobile provided through his salary. The Employee shall be responsible for paying for liability, property damage, and comprehensive insurance coverage upon such vehicle and shall further be responsible for all expenses attendant to the purchase, operation, maintenance, repair, and regular replacement of said vehicle. The Employer shall reimburse the Employee at the City of Graham standard mileage rate for any business use of the vehicle beyond Alamance County.

Section 6: General Business Expenses

- A. Employer agrees to budget for and to pay for professional dues and subscriptions of the Employee necessary for continuation and full participation in national, regional, state, and local associations, and organizations necessary and desirable for the Employee's continued professional participation, growth, and advancement, and for the good of the Employer, including the necessary continuing education required to maintain the appropriate licensure for this work by the North Carolina State Bar.
- B. Employer agrees to pay for travel and subsistence expenses of Employee for professional and official travel, meetings, and occasions to adequately continue the professional development of Employee and to pursue necessary official functions for Employer, including but not limited to the North Carolina Bar Association Annual Conference, the North Carolina Municipal Attorneys' Association Conferences, the North Carolina League of Municipalities, and such other national, regional, state, and local governmental groups and committees in which Employee serves as a member, subject to the availability of funds.

C. Employer also agrees to budget for and to pay for travel and subsistence expenses of Employee for short courses, institutes, and seminars that are necessary for the Employee's professional development and for the good of the Employer.

D. Employer recognizes that certain expenses of a non-personal but job related nature are incurred by Employee, and agrees to reimburse or to pay said general expenses. The finance director is authorized to disburse such moneys upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.

E. Technology: The Employer shall provide Employee with an appropriate office, computer, software, cell phone and pager required for the Employee to perform the job and to maintain communication.

Section 7: Termination

For the purpose of this agreement, termination shall occur when:

1. The majority of the Graham City Council votes to terminate the Employee at a duly authorized public meeting.
2. If the Employer, citizens or legislature acts to amend any provisions of the City of Graham Charter, Code of Ordinance or enabling legislation pertaining to the role, powers, duties, authority, responsibilities of the Employee's position that substantially changes the form of government, the Employee shall have the right to declare that such amendments constitute termination.
3. If the Employer reduces the base salary, compensation or any other financial benefit of the Employee, unless it is applied in no greater percentage than the average reduction of all department heads.
4. If the Employee resigns following an offer to accept resignation, by the Employer as representative of the majority of the governing body that the Employee resign, then the Employee may declare a termination as of the date of the resignation.
5. Breach of contract declared by either party with a 30 day cure period for either Employee or Employer. Written notice of a breach of contract shall be provided in accordance with the provisions of Section 16.

Section 8: Severance

Severance shall be paid to the Employee when employment is terminated as defined in Section 7.

If the Employee is terminated, the Employer shall provide a minimum severance payment equal to six months' salary at the current rate of pay. This severance shall be paid in a lump sum unless otherwise agreed to by the Employer and the Employee.

If the Employee is terminated because of a conviction of a felony or a crime of moral turpitude, then the Employer is not obligated to pay severance under this section.

Section 9: Resignation

In the event that the Employee voluntarily resigns his/her position with the Employer, the Employee shall provide a minimum of 30 days' notice unless the parties agree otherwise. Employee shall not be entitled to severance pay as outlined in Section 7.

Section 10: Performance Evaluation

Employer shall annually review the performance of the Employee in July subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within 30 days of the evaluation meeting.

Section 11: Hours of Work

It is recognized that the Employee must devote time outside the normal office hours on business for the Employer and for his other duties in the practice of law. For that purpose, Employee shall be allowed to establish an appropriate work schedule. The Employee will conduct office hours during at least one (1) day per week in the City Hall, for the purpose of providing access to City Management and Staff to address ongoing legal issues. However, the Employee shall not work more than 10 hours per week or 40 hours per month during the year, in the calendar year.

Section 12: Outside Activities

The employment provided for by this Agreement shall not be the Employee's primary employment, and is arranged for the purpose of providing regular access to City's Management Team.

Section 13: Indemnification

Beyond that required under Federal, State or Local Law, Employer shall defend, save harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of Employee's duties as City Attorney or resulting from the exercise of judgment or discretion in connection with the performance of program duties or responsibilities, unless the act or omission involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense and Employer may not unreasonably withhold approval. Legal representation, provided by Employer for Employee, shall extend until a final determination of the legal action including any appeals brought by either party. The Employer shall indemnify employee against any and all losses, damages, judgments, interest, settlements, fines, court costs

and other reasonable costs and expenses of legal proceedings including attorney's fees, and any other liabilities incurred by, imposed upon, or suffered by such Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the performance of his or her duties excepting acts or omissions involving willful and wanton conduct. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

Employee recognizes that Employer shall have the right to compromise, settle any claim or suit. Further, Employer agrees to pay all reasonable litigation expenses of the Employee while any litigation is pending to which the Employee is a party, witness or advisor to the Employer. Such expense payments shall continue beyond Employee's service to the Employer as long as litigation is pending. Further, Employer agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to Employer regarding pending litigation.

Section 14: Bonding and Insurance

Employer shall bear the full cost of any professional liability insurance for the conduct of his services to the City.

Section 15: Other Terms and Conditions of Employment

The Employer, only upon agreement with Employee, shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of the Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this Agreement, the City of Graham Charter or any other law.

Section 16: Notices

Notice pursuant to this Agreement shall be given by depositing in the custody of the United States Postal Service, postage prepaid, addressed as follows:

- (1) EMPLOYER: Mayor, City of Graham, PO Drawer 357 Graham, NC 27253
- (2) EMPLOYEE: Garland Keith Whited, 422 Oakland Drive, Burlington, NC 27215

Alternatively, notice required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as the date of deposit of such written notice in the course of transmission in the United States Postal Service.

Section 17: General Provisions

A. Integration. This Agreement sets forth and establishes the entire understanding between the Employer and the Employee relating to the employment of the Employee by the Employer. Any prior discussions or representations by or between the parties are merged into and rendered null and void by this Agreement. The parties by mutual written agreement may amend any provision of this agreement during the life of the

agreement. Such amendments shall be incorporated and made a part of this agreement.

B. Binding Effect. This Agreement shall be binding on the Employer and the Employee as well as their heirs, assigns, executors, personal representatives and successors in interest.

C. Effective Date. This Agreement shall become effective on October 1, 2016.

D. Severability. The invalidity or partial invalidity of any portion of this Agreement will not affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the remaining provisions shall be deemed to be in full force and effect as if they have been executed by both parties subsequent to the removal or judicial modification of the invalid provision.

Garland Keith Whited

Jerry Peterman, Mayor

Witness

Darcy Sperry, City Clerk

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Sandra B. King, Finance Officer



STAFF REPORT

SUBJECT:	ANNEXATION OF 304 CHEEKS LANE
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the following (separately):

1. Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for 304 Cheeks Lane.
2. Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 304 Cheeks Lane.

BACKGROUND/SUMMARY:

The attached petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is the parcel located at 304 Cheeks Lane (0.625 acres).

The annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions that are outlined in the "Requested Action" above. Approval of these resolutions does not finalize the annexation as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.



FISCAL IMPACT:

The fiscal impact of this annexation to the city is negligible. Water is available at the property, and the applicant intends to tie onto the water system. There is not a sewer line here, and the applicant is therefore aware they will not be able to tie onto the city's sewer system.

STAFF RECOMMENDATION:

Approval. The adoption of the requested resolutions simply moves forward the annexation process.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for 304 Cheeks Lane.
2. I move we approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 304 Cheeks Lane.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY AT 304 CHEEKS LANE

WHEREAS, a petition requesting annexation of an area described in said petition was received on August 30, 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.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR PROPERTY AT 304 CHEEKS LANE

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 October 4, 2016.

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

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:

BEGINNING AT A 1" INCH PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF CHEEKS LANE FROM WHICH A MONUMENT HURSEY IS S 88°06'04" W 469.94' FEET THENCE LEAVING SAID R/W OF CHEEKS LANE N 03°19'38" E 269.63' FEET TO A 1" INCH PIPE FOUND THENCE S 85°06'44" E 100.04' FEET TO A 1" PIPE FOUND CONER WITH LOT 2 THENCE S 03°19'38" W 274.68' FEET TO A 1/2" INCH ROD SET ON THE R/W OF CHEEKS LANE THENCE N 82°13'39" W 100.30' FEET TO THE BEGINNING AND CONTAINING 27216 SF OR 0.625 ACRES, AS SURVEYED 8/25/16 BY BRUCE LANDES SURVEYOR, TO WHICH PLAT REFERENCE IS (PLAT BOOK 68 PAGE 117) HERE BY MADE.

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



P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

Petition for ANNEXATION

To the City Council of the City of Graham, NC:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed into the City of Graham.

☐ If applicable as "income-based": We believe that this petition meets the requirements of G.S. 160A-31(b1).

☐ If applicable as "distressed": We believe that this petition meets the requirements of G.S. 160A-31(j).

2. The area to be annexed is ☐ contiguous ☒ non-contiguous to the City of Graham and the boundaries of such territory are as follows:

General description of area to be annexed

Meets & Bounds attached

Attach the following:

☒ Annexation Plat – 1 paper copy, 2 mylars and 1 pdf. In addition to standard plat information, also include tax map numbers of all parcels and total square miles and acreage of area to be annexed.

☒ Metes and Bounds Description – 1 paper and 1 digital copy

3. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 or G.S. 153A-344.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate yes below and attach proof.)

Name	Address	Vested rights?	Signature
Rachel McIntyre	304 Cheeks Lane		Rachel McIntyre
Christian McIntyre	304 Cheeks Lane		Christian McIntyre

attach additional sheets if necessary...

RE: CHRISTIAN & RACHEL McINTYRE
DB. 3469 PG. 770

NOTES:

TITLE BINDER NOT PROVIDED.

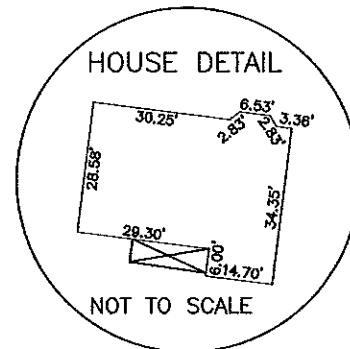
WATERS OF THE UNITED STATES ARE NOT
DESIGNATED BY THIS SURVEY.

WETLANDS AND SUBAQUEOUS AREA OF WETLANDS MAY BE SUBJECT TO THE FEE RIGHTS OF THE STATE OF NORTH CAROLINA. THESE AREAS HAVE NO SPECIFIC JUDICIAL DETERMINATION OF TITLE AND NO OPINION OF TITLE IS AVAILABLE AS OF DATE OF SURVEY.

THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DESIGNATED BY THE SECRETARY OF HOUSING & URBAN DEVELOPMENT. (PREMISES LOCATED IN ZONE X MAP ID# 3710888300J EFFECTIVE ON 09/06/2006)

REFERENCE IS HEREBY MADE TO ALL EASEMENTS,
RESTRICTIONS, AND CONDITIONS OF RECORD
WHICH MAY LAWFULLY APPLY TO SAID PROPERTY.

I HEREBY CERTIFY THAT THIS SURVEY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, IS CORRECT AND COMPLIES WITH THE MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE STATE OF NORTH CAROLINA.













LOT 1
CHRISTIAN &
RACHEL McINTYRE
27216 SQFT
0.625 ACRES

LOT 1
GPIN: 8883354432
RIVER MILL ACADEMY
PARCEL ID NO. 144364
D.B. 2956 PG. 687

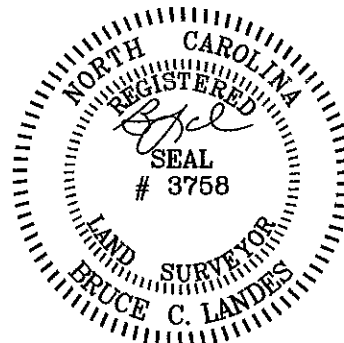


LEGEND

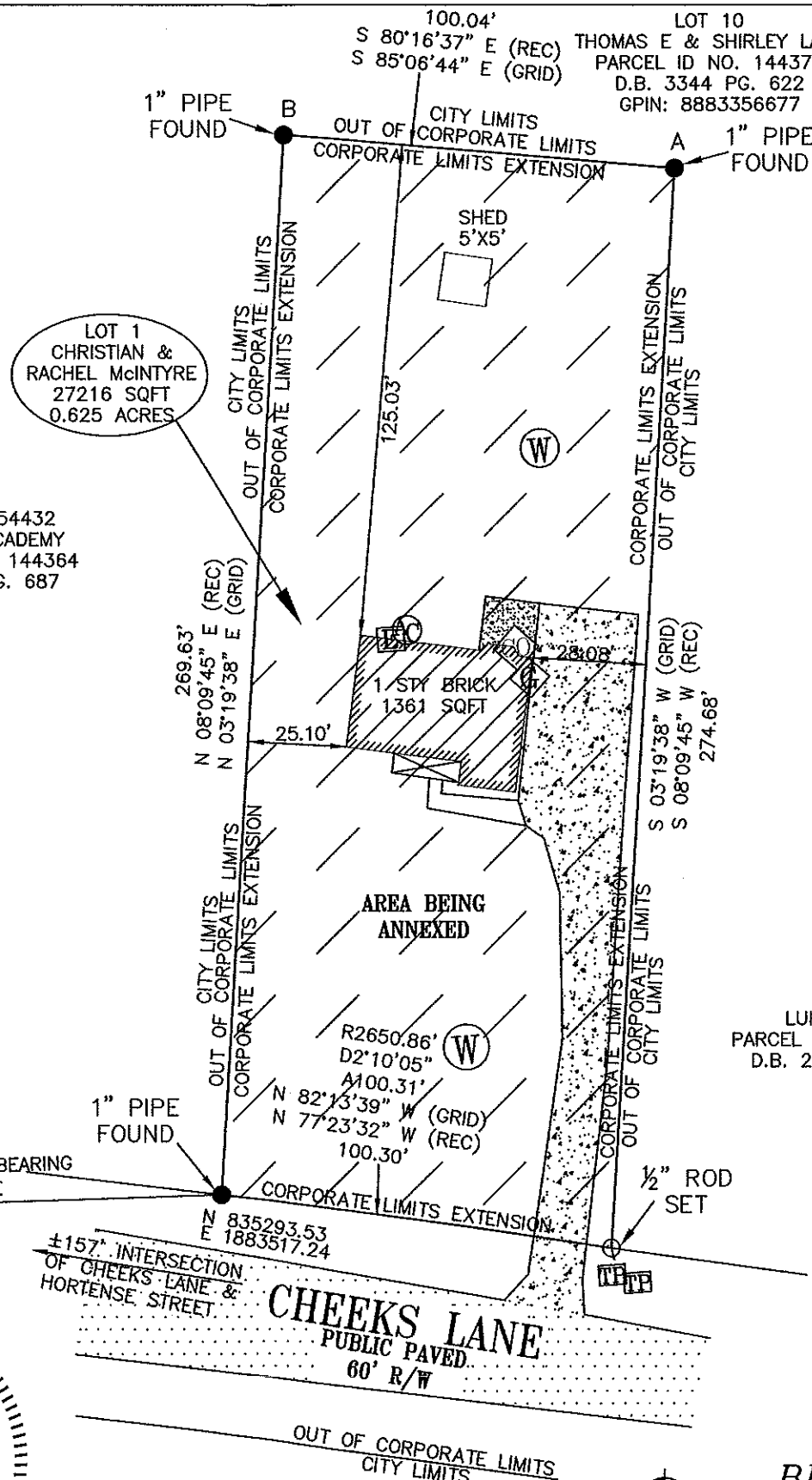
-  = GRAVEL
 = CONCRETE
 = ASPHALT
 = CLEANOUT
 = HVAC
 = ELECTRIC METER
 = GAS METER
 = WELL
 = TELEPHONE PED.
 = OVERHANG

HURSEY
PID: DP6359
DATUM: NAD 83(2011)
LONGITUDE: 079 23 44.14547 W
LATITUDE: 36 02 39.68025 N
NORTHING: 835277.96 SFT
EASTING: 1883047.56 SFT
SCALE FACTOR: 0.99996816
ELEVATION FACTOR: 0.99997644
COMBINED FACTOR: 0.99994460

GRID DISTANCE AND BEARING
N 88°06'04" E
469.94'



ANY CERTIFICATION OR SPECIAL PROVISIONS OF THIS SURVEY ARE SUBJECT TO TERMS, CONDITIONS AND RESTRICTIONS OF OUR PROFESSIONAL INSURANCE LIABILITY COMPANY IN FORCE AT THE TIME OF THIS SURVEY AND/OR ANY NOTIFICATION RELATIVE TO SAID INSURANCE AS IT APPLIES TO THIS SURVEY AND ANY REVISIONS HEREOF.



METES AND BOUNDS DESCRIPTION

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND
SITUATED IN ALAMANCE COUNTY, NORTH CAROLINA MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1" INCH PIPE FOUND ON THE NORTHERN RIGHT OF WAY OF CHEEKS LANE FROM WHICH A MONUMENT HURSEY IS S 88°06'04" W 469.94' FEET, THENCE LEAVING SAID R/W OF CHEEKS LANE N 03°19'38" E 269.63' FEET TO A 1" INCH PIPE FOUND THENCE S 85°06'44" E 100.04' FEET TO A 1" PIPE FOUND CORNER WITH LOT 2 THENCE S 03°19'38" W 274.68' FEET TO A 1/2" INCH ROD SET ON THE R/W OF CHEEKS LANE THENCE N 82°13'39" W 100.30' FEET TO THE BEGINNING AND CONTAINING 27216 SF OR 0.625 ACRES, AS SURVEYED 8/25/16 BY BRUCE LANDES SURVEYOR, TO WHICH PLAT REFERENCE IS (PLAT BOOK 68 PAGE 117) HERE BY MADE.

CERTIFICATE OF ACCURACY

I, BRUCE C. LANDES, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY DIRECTION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED BOOK 68 PAGE 117); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN DEED BOOK 68 PAGE 117; THAT THE UNADJUSTED RATIO OF PRECISION AS CALCULATED IS 1: 45473; THAT THIS PLAT WAS PREPARED IN ACCORDANCE TO G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 26 DAY OF JULY, 2016.

BRUCE C. LANDES PROFESSIONAL LAND SURVEYOR SEAL# 3758

LOT 2
LUIS MEDINA
PARCEL ID NO. 144369
D.B. 2271 PG. 633

ID NO. 144369
 2271 PG. 633

FINAL PLAT
 SHOWING
 CORPORATE LIMITS EXTENSION
 PROPERTY SITUATED
 304 CHEEKS LANE
 GRAHAM, NORTH CAROLINA 27253
 GRAHAM TOWNSHIP

ALAMANCE COUNTY , NORTH CAROLINA
AUGUST 25, 2016 SCALE 1" = 40'
BRUCE C. LANDES SURVEYOR

LAND SURVEYOR • PLANNER
8014 MIDLOTHIAN TURNPIKE SUITE 103 P.O. BOX 35957
RICHMOND, VIRGINIA 23235
PHONE (804) 327-0333 FAX 330-5558

PLANNING ZONING BOARD
Tuesday, August 16, 2016

The Planning & Zoning Board held their regular meeting on Tuesday, August 16, 2016 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Bonnie Blalock, Ricky Hall, Andy Rumley, Bill Teer and Kenneth Dixon. Member absent was Michael Benesch. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, Martha Johnson, Zoning/Inspections Technician and Jenni Bost, Zoning Enforcement Officer.

Andy Rumley called the meeting to order and gave the Overview of the Board, general meeting rules and Ricky Hall gave the invocation.

1. Approval of the July 19, 2016 meeting minutes. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.

2. Old Business: AM1612 Nonconforming Site Elements. Nathan Page, stated the Board asked for additional research which he furnished the Board with comparable municipalities with 12,000 – 17,000 residents along with their Nonconforming Site Elements language. Mr. Page read the original language, tracked the changes and explained the proposed language.

The following people spoke voicing their opinion concerning the proposed changes:

Eric Crissman	208 Albright Avenue
Jan Surles	526 E Pine Street
Nate Perry	213 Guthrie Street
Jeff Leimberger	213 N Melville Street
Elaine Murrin	1213 Raspberry Run
Helen Sharpe	522 N Main Street
Bonnie Leimberger	213 N Melville Street
Jason Cox	200 N Main Street

After much discussion from the public and among the Board members, Dean Ward made a motion to table this item again. Mr. Ward stated that Mr. Page had given them a lot of data to review and the Board needs to have a plan ready for the next meeting. Bonnie Blalock second the motion, the vote was 4 to 2 to table this item.

3. New Business

- a. S1601 Lacy Ridge. An application by Chris Foust for 12 lots at the intersection of Knightdale and Lacy Holt. Mr. Foust 1851 S Main Street the applicant spoke next. Mr. Foust said it was a subdivision for only 12 lots which had been previously rezoned.

Mr. Balchin 2361 Knightdale Dr. thanked everyone for listening to them, furnishing all the information for them and to Mr. Foust for presenting a very good plan. Mr. Balchin asked Mr. Foust about the square footage of the proposed houses to be built. Mr. Foust said he would have that information available at the City Council meeting next month. Ricky Hall made a motion to approve, second by Kenneth Dixon. All voted aye.

- b. AM1618 Harden Overlay. An application by Patricia Mayzes to permit mechanic work within the overlay. The applicant was not present for the meeting.

Ricky Hall made a motion to deny this agenda item, second by Kenneth Dixon. The vote was 3 to 3. Therefore, there will be no recommendation made to City Council.

- c. AM1619 Utility Buildings. An application by Randy Freeman to permit sale of utility buildings on lots zoned General Business. The applicant was not present for the meeting.

Ricky Hall made a motion to deny this agenda item, second by Kenneth Dixon. The vote was 3 to 3. There will be no recommendation made to City Council.

4. Old Business

- a. Discussion regarding the City of Graham Development Ordinances AM1617 Update Home Occupations. Mr. Ward made a motion to deny this request, second by Bonnie Blalock. The vote was 3 to 3. There will be no recommendation made to City Council.

5. Public comment on non-agenda items

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



RECEIVED
JUL 25 2016
CITY OF GRAHAM
INSP. / P.Z.

Application for SUBDIVISION

P.O. Drawer 357
201 South Main Street
Graham, NC 27253
(336) 570-6705
Fax (336) 570-6703
www.cityofgraham.com

This application is for both major and minor subdivisions, as defined in Article VIII of the *City of Graham Development Ordinances*.

Site

General description of subdivision location, using nearest streets, streams or other identifiable features:

Two Parcels located at corner of Lacy Holt Road and Knightdale Drive

Tax Map#: 130050 / 130185 GPIN: 8872499679 / 8872590389

Current Zoning District(s): R9 & R18

Overlay District, if applicable:

☐ Historic ☐ S Main St/Hwy 87 ☐ E Harden St/Hwy 54

Property Owner: Seth Stewart Holt

Mailing Address: 103 Marie Avenue

City, State, Zip: Goldsboro, NC 27530

Phone #

Applicant and Project Contact

Name: Chris Foust

☐ Property Owner ☐ Engineer/Surveyor

Other Interested Party

Mailing Address: 1851 South Main Street

City, State, Zip: Graham, NC 27253

Phone # (336) 516-1888

Email: kfoust@mcphersongrading.com

I certify that all information furnished is true to the best of my knowledge.

Signature of Applicant

Date

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: Lacy Ridge

Type of Application:

☒ Preliminary Plat, Major Subdivision

☐ Final Plat*, Major Subdivision

☐ Final Plat*, Minor Subdivision

*By signing this application, I authorize the City of Graham to record the Final Plat.

Number of Lots: 12

Total Acreage: 17.58

Related Development (if any):

Subdivision Maps

This application **must be accompanied** by a subdivision map, which may include one or more sheets to provide sufficient detail for review. **See the back of this application for a checklist of items that should be shown on the subdivision map, as applicable.** The following copies of the subdivision map are required to be submitted with this application:

☒ For Major Subdivision Preliminary Plan, 4 paper copies and an electronic pdf

☐ For Major Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 2 paper copies

☐ For Minor Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 1 paper copy

Other Requirements

☐ NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing

☐ NCDOT 3-Party Encroachment Agreement, if things such as a sidewalk or utility connection are proposed in the right-of-way

☐ Flood Elevation Certificate, if there is Special Flood Hazard Area near the development

☐ Floodplain Development Permit, if development is proposed in a Special Flood Hazard Area

☐ Stormwater Permit, if one or more acres is disturbed

☐ Erosion Control Permit from the NC Dept. of Environment and Natural Resources if the land disturbing activity exceeds one acre

FOR OFFICE USE ONLY

DEVID#

Fee \$



STAFF REPORT

Prepared by Nathan Page, Planning Director

Lacy Ridge (S1601)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Contact Information

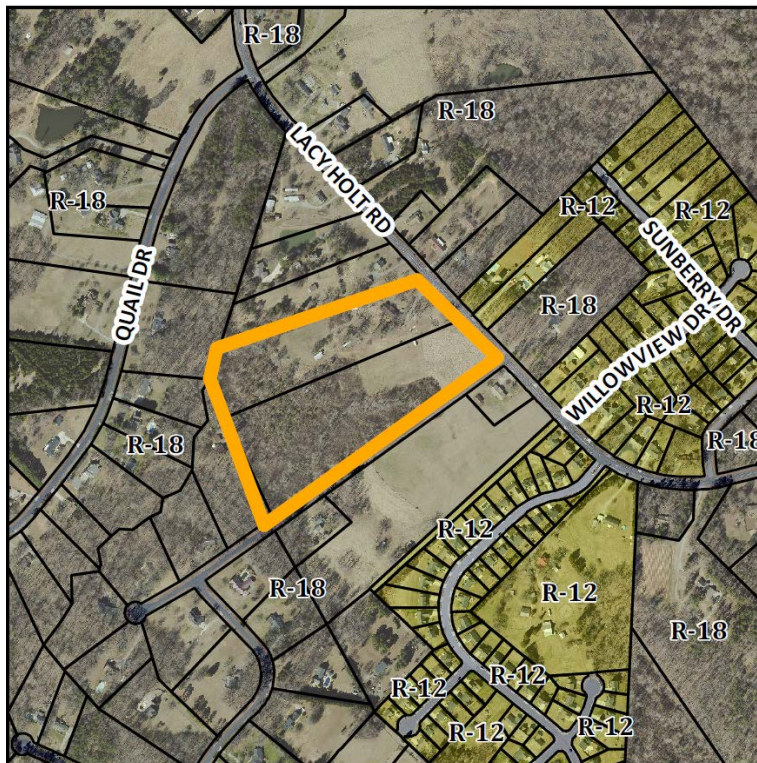
Chris Foust

1851 S Main Street, Graham, NC 27253

336-516-1888; kfoust@mcphersongrading.com

Summary

This is a request to create a new major subdivision on the subject properties for 12 lots. The property currently has a dilapidated single family dwelling upon it, as well as an abandoned trailer.



Location

Lacy Holt Rd and
Knightdale Dr

GPIN: 8872499679, 8812590389

Current Zoning

High Density Residential (R-9) and
Low Density Residential (R-18)

Overlay District

none

Surrounding Zoning

R-18, R-12

Surrounding Land Uses

Single family

Size

17.6 acres

Public Water & Sewer

Available along Lacy Holt Rd

Floodplain

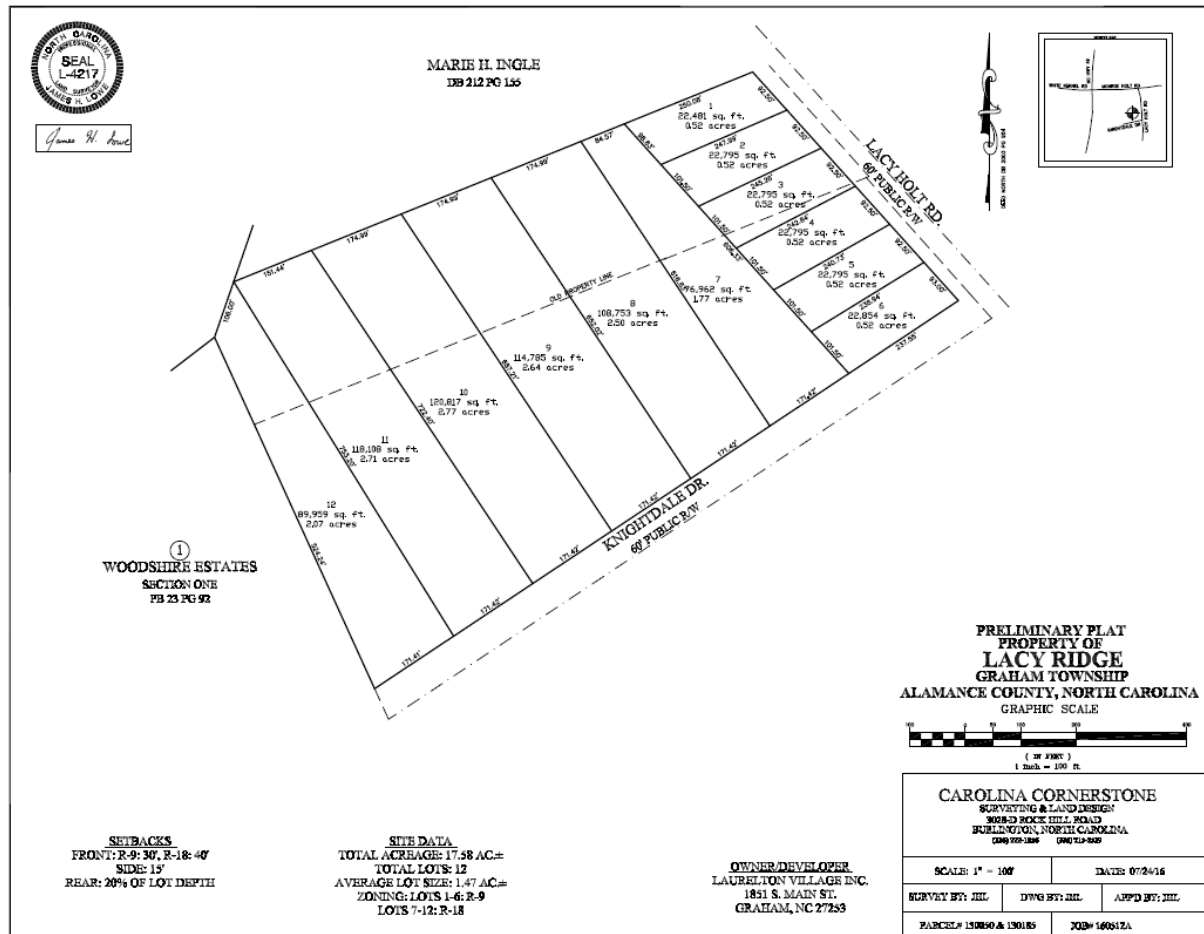
No

Staff Recommendation

Approval

Technical Review Committee

The Technical Review Committee reviewed the application and provided comments to the applicant via the Planning Department. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, but they do not affect the number of proposed lots, nor the access points from Lacy Holt Rd and Knightdale Dr.



Conformity to the *Graham 2035 Comprehensive Plan (GCP)* and Other Adopted Plans

Applicable Policies;

- 5.1.1 Housing Variety. Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multi family dwelling units, small units, prefabricated homes, cohousing, and clustered housing. *The subdivision will provide additional small lot homes, and some larger lot homes in the southwestern portion of Graham.*
- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would use existing city infrastructure, and is projected to use septic and well for the large rear lots, where the impacts to a stream may be lessened due to the low density.*

Planning Type

Neighborhood

Development Type

Suburban Residential

For single family residential, townhouses, duplexes, accessory dwelling units, and small scale multi-family dwelling of twelve units or less.

Buildings should be located near the front of the property line, oriented towards the street, and include front porches and other private outdoor spaces.

Recess garages behind the front of buildings to avoid streetscapes dominated by garage doors.

Density of 3 to 6 DU/acre

Staff Recommendation

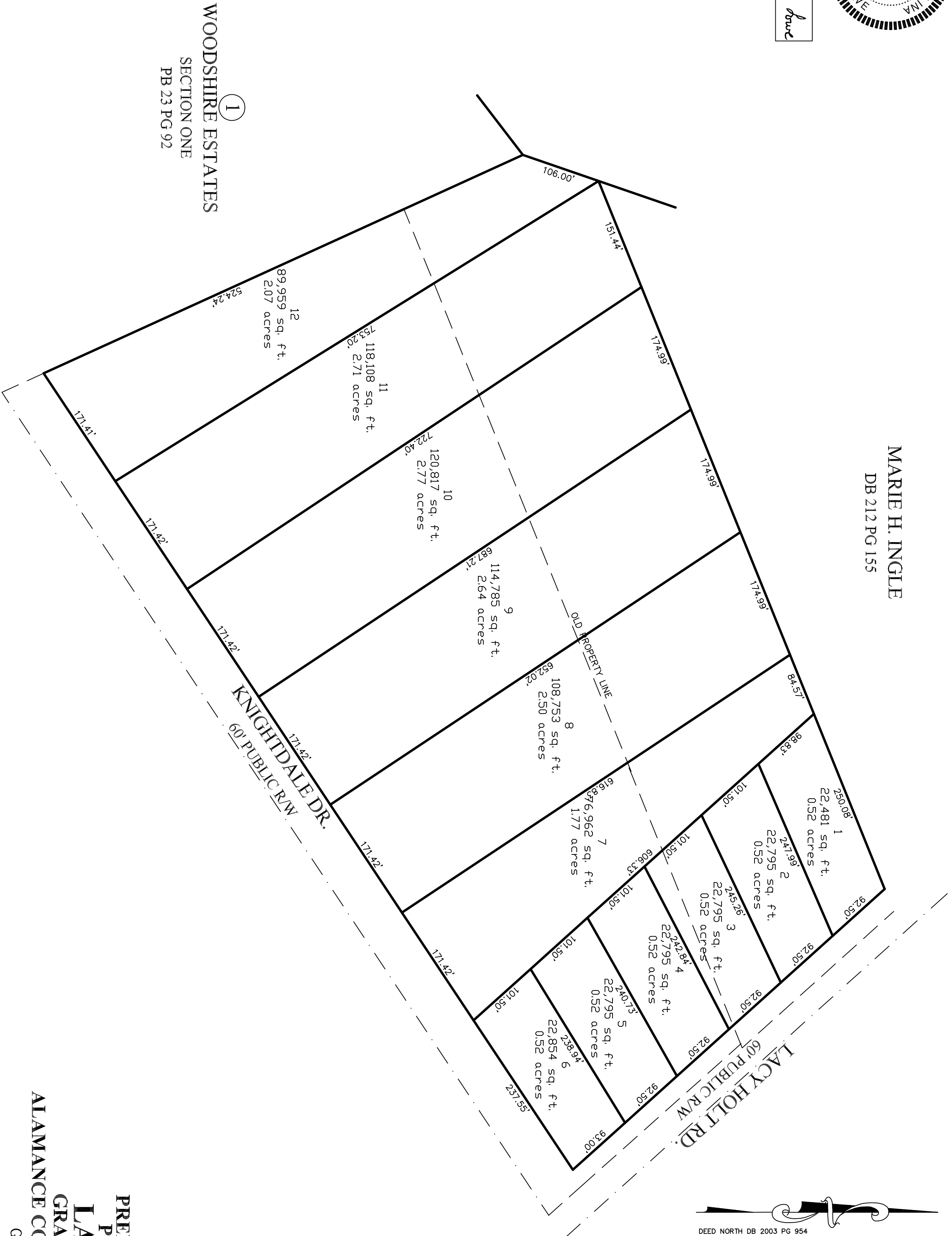
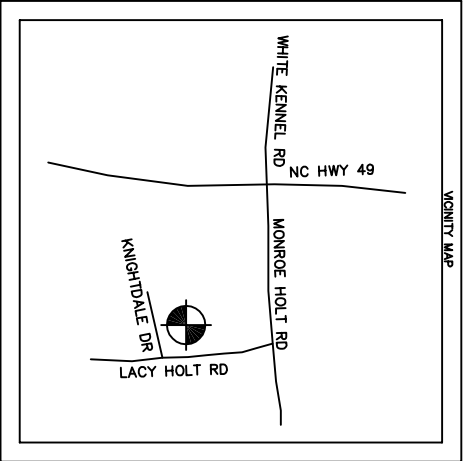
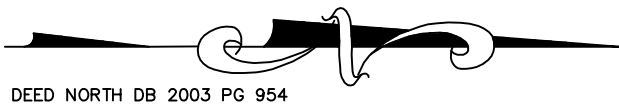
Based on The *Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff recommends **approval** of the subdivision. The following supports this recommendation:

- Approving the subdivision would further the policies and strategies put forth by the *Graham 2035 Comprehensive Plan*, such as Housing Variety.



James H. Lovelace

MARIE H. INGLE
DB 212 PG 155

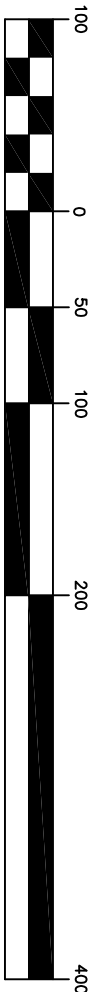


WOODSHIRE ESTATES
SECTION ONE
PB 23 PG 92

SETBACKS
FRONT: R-9: 30', R-18: 40'
SIDE: 15'
REAR: 20% OF LOT DEPTH

SITE DATA
TOTAL ACREAGE: 17.58 AC.±
TOTAL LOTS: 12
AVERAGE LOT SIZE: 1.47 AC.±
ZONING: LOTS 1-6: R-9
LOTS 7-12: R-18

OWNER/DEVELOPER
LAURELTON VILLAGE INC.
1851 S. MAIN ST.
GRAHAM, NC 27253



(IN FEET)
1 inch = 100 ft.

PRELIMINARY PLAT
PROPERTY OF
LACY RIDGE
GRAHAM TOWNSHIP
ALAMANCE COUNTY, NORTH CAROLINA
GRAPHIC SCALE

CAROLINA CORNERSTONE
SURVEYING & LAND DESIGN
3028-D ROCK HILL ROAD
BURLINGTON, NORTH CAROLINA
(336) 222-1856 (336) 215-2539

SCALE: 1" = 100'

DATE: 07/24/16

SURVEY BY: JHL DWG BY: JHL APPD BY: JHL

PARCEL# 130050 & 130185

JOB# 160512A



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Lacy Ridge
(S1601)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on August 16, 2016
City Council on September 6, 2016

☒ I move to recommend **APPROVAL** of the application as presented.

☐ I move to recommend **APPROVAL** with the following condition(s);
• [Insert additional comments]

☐ I move to recommend **DENIAL**.

☒ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 16th day of August, 2016.

Attest:


Andy Rumley, Planning Board Chairman


Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

**Lacy Ridge
(S1601)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on August 16, 2016
City Council on September 6, 2016

Choose one...

- ☐ I move that the application be **APPROVED**.
- ☐ I move to **recommend APPROVAL** with the following condition(s);
- [Insert additional conditions]
- ☐ I move that the application be **DENIED**.

Choose one...

- ☐ The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- ☐ The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 6th day of September, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: Section 10.465
Prohibited Uses

Contact Information
 Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Summary

Patricia Mayzes has proposed to amend the Development Ordinance for the Harden Street Overlay.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.465 Prohibited Uses

The following uses shall not be allowed in the East Harden Street/Highway 54 Overlay District:

Adult Entertainment; All Incinerators; Asphalt Mixing Plant; Auto Repair with outside storage visible from East Harden Street; Bars (as principal use); Campgrounds, commercial; Flea Market; Hazardous Waste Facilities; Jails; Junkyards, Salvage Yards; Landfill, Demolition Debris; Landfill, for Household and Commercial Waste; Manufactured Dwelling Park; Manufactured Home Sales; Medical Waste Operations; Pawnshops; Petroleum and Petroleum Products Storage, over 100,000 gallons; Racetracks for automobiles, motorcycles; Recycling Facility; Sexually Oriented Business; Shooting Range, Indoor; Shooting Range, Outdoor; Tattoo Business; Towers, Cellular and Digital Communications (excludes government uses); Towers, Radio and Television.

Project Name

Harden Overlay (AM1618)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Language Proposed by Patricia Mayzes:

Section 10.465 Prohibited Uses

The following uses shall not be allowed in the East Harden Street/Highway 54 Overlay District:

Adult Entertainment; All Incinerators; Asphalt Mixing Plant; Auto Body Repair with outside storage of vehicles that are unappealing and unattractive visible from East Harden Street; Bars (as principal use); Campgrounds, commercial; Flea Market; Hazardous Waste Facilities; Jails; Junkyards, Salvage Yards; Landfill, Demolition Debris; Landfill, for Household and Commercial Waste; Manufactured Dwelling Park; Manufactured Home Sales; Medical Waste Operations; Pawnshops;

Petroleum and Petroleum Products Storage, over 100,000 gallons; Racetracks for automobiles, motorcycles; Recycling Facility; Sexually Oriented Business; Shooting Range, Indoor; Shooting Range, Outdoor; Tattoo Business; Towers, Cellular and Digital Communications (excludes government uses); Towers, Radio and Television.

Alternate Language:

Section 10.465 Prohibited Uses

The following uses shall not be allowed in the East Harden Street/Highway 54 Overlay District:

Adult Entertainment; All Incinerators; Asphalt Mixing Plant; Vehicle assembling, painting, upholstering, rebuilding, reconditioning; body and fender work; Bars (as principal use); Campgrounds, commercial; Flea Market; Hazardous Waste Facilities; Jails; Junkyards, Salvage Yards; Landfill, Demolition Debris; Landfill, for Household and Commercial Waste; Manufactured Dwelling Park; Manufactured Home Sales; Medical Waste Operations; Pawnshops; Petroleum and Petroleum Products Storage, over 100,000 gallons; Racetracks for automobiles, motorcycles; Recycling Facility; Sexually Oriented Business; Shooting Range, Indoor; Shooting Range, Outdoor; Tattoo Business; Towers, Cellular and Digital Communications (excludes government uses); Towers, Radio and Television; Used Tire Sales.

This doesn't include "Vehicle repair shops, not including body or fender repair" as a prohibited use, and would therefore permit mechanical work and repair in the overlay. It is also recommended that this amendment be applied to the Highway 87 Overlay, as the character of the two has thus far been linked.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

1.1.1: Wayfinding and Gateways Develop an upgraded "wayfinding" and signage system for installation along gateways and corridors. Designate gateways for entrances to the historic downtown area, and further develop plans for public improvements and landscaping in the gateway areas. *The Highway 54 and 87 overlays are the primary approaches to our downtown, and businesses permitted in the overlay should be carefully considered.*

Planning District

All

Development Type

All

1.1.2: Design Guidelines Develop commercial and residential site design guidelines that enhance community character and appearance, to be used with special use permit and conditional rezoning applications. *While this is not a new permit for an SUP or a Conditional Zoning, it will have the same effect as it applies to all of the parcels in the portion of the Overlay for which the changes are made.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based upon The Graham 2035 Comprehensive Plan, and with the rewriting of the table of permitted uses, this is a reasonable time to adjust the prohibited uses in the overlay districts. Staff recommends **approval** of the alternate language.

The intention of the overlay is better served by the prohibition of vehicle body repair and tire sales.



PLANNING BOARD Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Harden Overlay (AM1618)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

☐ I move to recommend API

☐ I move to recommend DE

☐ The application is consistent

☐ The application is not full

The action is reasonable and

The Planning Board
Split 3 to 3 and
therefore has no
recommendation.

ive Plan.

This report reflects the recommendation of the Planning Board, this the 16th day of September, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Harden Overlay (AM1618)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Choose one...

☐ I move that the text amendment be **APPROVED**.

☐ I move that the text amendment be **DENIED**.

Choose one...

☐ The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 6th day of September, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: Section 10.135 Table of Permitted Uses

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Summary

Randy Freeman has proposed to amend the Development Ordinance for Utility Buildings.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.135 Table of Permitted Uses

Contact Information

Not applicable

Project Name

Utility Buildings (AM1619)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-1	C-O-1	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-1	C-MXR	C-MXC	LUC
Utility building sales, sales of storage sheds and trailers															X	X	C			

Language Proposed by Randy Freeman:

Section 10.135 Table of Permitted Uses

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-1	C-O-1	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-1	C-MXR	C-MXC	LUC
Utility building sales, sales of storage sheds and trailers												X			X	X	C			

Currently, most of our valuable commercial land (along our most traveled corridors), is zoned B-2, General Business. This amendment would allow storage sheds, trailers, and utility buildings to be sold from these parcels, including in the overlays.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

2.1.6 Locally Owned Businesses. Facilitate the creation and growth of small locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable

operating practices. *This would allow for an additional use in our General Business Zoning District, perhaps better utilizing some of our larger lots.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based upon The Graham 2035 Comprehensive Plan, staff recommends **approval** of the alternate language.

The addition of utility building sales, sales of storage sheds and trailers permits additional business opportunities in our jurisdiction.



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Utility Buildings (AM1619)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

☐ I move to **recommend APPROVAL** of the application as presented.

☐ I move to **recommend DENIAL**.

☐ The application is **con**

☐ The application is **not**

The action is reasonable a

The Planning Board
split 3 to 3 and
therefore has no
recommendation.

lan.

hensive Plan.

is:

This report reflects the recommendation of the Planning Board, this the 16th day of September, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Utility Buildings (AM1619)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Choose one...

☐ I move that the text amendment be **APPROVED**.

☐ I move that the text amendment be **DENIED**.

Choose one...

☐ The text amendment **is consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The text amendment **is not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 6th day of September, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: Section 10.136
Notes to the Table of Permitted Uses and
Section 10.16 Definitions

City Council on August 2, 2016

Contact Information

Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on July 19, 2016, August 16, 2016

City Council on September 6, 2016

Summary

Staff proposes to amend the *Development Ordinance*, Article IV, Division 6, Section 10.136, and Article II, Section 10.16 Definitions. Home Occupation. *This amendment is proposed to clarify what will be permitted as a home occupation in every neighborhood and every home in the City of Graham. The language is currently duplicated in the Development Ordinance, and needs exist only in one location. This amendment will remove the note to the table of permitted uses, and proposes to change the language listed under definitions.*

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.136 Notes to the Table of Permitted Uses

- **9. Home Occupations** - Home occupations are permitted only as an incidental use inside the home and must operate within the following guidelines:
 - a. A home occupation shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
 - b. No outside storage or display of items associated with the home occupation is permitted.
 - c. The home occupation must be conducted entirely within a dwelling unit.
 - d. Only one person may be employed who is not an occupant of the residence.
 - e. Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
 - f. Instruction in music, dancing, art or similar subjects shall be limited to no more than five students at one time.
 - g. Sign Specifications: See Section 10-398 (2).

Examples of home occupations include, but are not limited to: typing services, telephone sales, architects, accountants, food catering, and handcrafting, etc.

Project Name

Home Occupation (AM1617)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Proposed Language:

Section 10.136 Notes to the Table of Permitted Uses

9. [Reserved]

Section 10.16 Definitions

Home Occupations - Home occupations are permitted only as an incidental use inside the home and must operate within the following guidelines, without changing the essential residential character of the dwelling:

- a. A home occupation shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
- b. ~~No outside storage or display of items associated with the home occupation is permitted. There shall be no outdoor storage or visible evidence of equipment or materials used in the home occupation, unless the equipment or materials are of a type and quantity that could reasonably associated with the principal residential use. One commercial road-legal vehicle, with no more than three axles is permitted. A single trailer used for cargo/storage may be used if it is attached to vehicle at all times, but no construction or industrial equipment can be stored on the trailer.~~
- c. The home occupation must be conducted entirely within a dwelling unit. Up to one hundred square feet of an accessory building may be used in connection with the business.
- d. Only one person may be employed who is not an occupant of the residence. Employees may not come to the residence for exterior work purposes, including pick-up of materials, vehicles, assignments, or similar purposes.
- e. Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
- f. Instruction in music, dancing, art or similar subjects shall be limited to no more than five students at one time.
- g. Sign Specifications: See Section 10-398 (2).

Examples of home occupations include, but are not limited to: typing services, telephone sales, architects, accountants, food catering, and handcrafting, etc.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and practice by other jurisdictions, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment more clearly defines what uses are permitted as an incidental use in every household in the City of Graham.



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Home Occupations (AM1617)

Type of Request

Text Amendment

Meeting Dates

Planning Board on July 19, 2016

City Council on August 2, 2016

☐ I move to recommend **APPROVAL** of the application as presented.

☐ I move to recommend **DENIAL**

☐ The application is **consistent**

☐ The application is **not fully c**

The Planning Board
Split 3 to 3 and
therefore has no
recommendation.

The action is reasonable and in t

This report reflects the recommendation of the Planning Board, this the 19th day of July, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Home Occupations (AM1617)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 16, 2016

City Council on September 6, 2016

Choose one...

☐ I move that the text amendment be **APPROVED**.

☐ I move that the text amendment be **DENIED**.

Choose one...

☐ The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 6th day of September, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, City Planner

Text Amendment for: 10.71 Nonconforming Site Elements

Contact Information
Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on April 19, 2016, June 21, 2016, July 19, 2016, August 16, 2016

City Council on September 6, 2016

Summary

The City Council proposes to amend the *Development Ordinance*, Article IV, Division 1, Section 10.71 Nonconforming Site Elements.

The following amendments to the Development Ordinance are proposed:

Section 10.71 Nonconforming Site Elements (5)

Original Language:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:
 - a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
 - b. If the sign is demolished or damaged to the extent where more than fifty percent (50%) of its display area requires replacement;
 - c. If the business or activity on the premises is discontinued for a continuous period of 90 days or more;
 - d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
 - e. If any change in the existing use of the property occurs.

Tracking Changes:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:

Project Name

Nonconforming Site Elements
(AM1612)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

- a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
- b. If, apart from normal maintenance or replacement of existing panels, the sign display area is demolished, or damaged, or removed to the extent where more than fifty percent (50%) of its display area ~~requires replacement~~ is affected;
- c. If the business or activity on the premises is discontinued for a continuous period of ~~90~~ 180 days or more;
- d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
- e. If any change in the existing ~~use~~ Land Use Classification of the property occurs.

Proposed Language:

- (5) All nonconforming signs, except outdoor advertising signs, must be brought into compliance or removed (including the entire sign and any or all supports) if any or all of the following occurs:
- a. If damage to the sign exceeds 50% of its original value or replacement value, whichever is less;
 - b. If, apart from normal maintenance or replacement of existing panels, the sign display area is demolished, damaged, or removed to the extent where more than fifty percent (50%) of its display area is affected;
 - c. If the business or activity on the premises is discontinued for a continuous period of 180 days or more;
 - d. If additions or expansions of buildings, parking areas, or uses of open land occur that are greater than 3,000 square feet; or
 - e. If any change in the existing Land Use Classification of the property occurs.

Burlington's Language:

Section 32.14 (I) Non-Conforming Signs: Non-conforming signs existing on the effective date of this ordinance may remain in place and be maintained for three years after the effective date of this ordinance, except that no non-conforming sign shall be altered to 50 percent or more of its current value unless it is made to conform to the requirements of this section. Within three years after the effective date of this ordinance, nonconforming signs shall be removed.

Alternative Language:

When an existing non-conforming sign structure is in place, the display area can be completely refaced if the structure does not endanger the public. The entire sign must be refaced to use this exemption, and no alterations are permitted to the sign box.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Planning District

All

Development Type

All

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, other jurisdictions and best practices, staff **recommends approval** of the text amendment. The following supports this recommendation:

- The proposed amendment permits redevelopment of existing sign boxes in the overlay which may be nonconforming, but are permitted to continue as permitted nonconformities.

Municipality Population

Lenoir	17,888	<p>1108 Non-Conforming Signs</p> <p>Retention - Any sign existing on the effective date of this ordinance which does not conform to the requirements set forth herein will be allowed to remain if in good repair, but shall not be:</p> <p>1108.11 Changed to another <i>nonconforming</i> sign;</p> <p>1108.12 Structurally altered to prolong life of the sign;</p> <p>1108.13 Expanded;</p> <p>1108.14 Reestablished after discontinuance of sixty (60) days; or</p> <p>1108.15 Reestablished after damage or destruction if estimated expenses of reconstruction exceeds sixty (60%) percent of the tax value of the sign.</p> <p>6.6.1 Continuation of a Nonconforming Sign Nonconforming signs may continue to be utilized in connection with any use or building permitted in this Ordinance only on the following special conditions, limitations, and</p>
Morganton	16,692	<p>restrictions:</p> <p>(A) Only normal maintenance and repair may be performed on a nonconforming sign. Normal maintenance and repair, as used herein, means repainting, changing copy, changing lights, replacing broken glass or other routine work necessary to keep the sign safe, in good repair or neat in appearance. Normal maintenance shall not include major structural alterations or replacements, re-designs or substantial rebuilding of the sign.</p> <p>(B) A nonconforming sign shall not be enlarged, raised, relocated, or have illumination added.</p> <p>(C) If damaged, destroyed or permitted to deteriorate to an extent of more than 60 percent of the appraised replacement cost, a nonconforming sign shall not be repaired or replaced, and shall be immediately removed.</p> <p>(D) Additional signs shall not be allowed nor shall existing signs be enlarged or raised for any business which displays a nonconforming sign.</p> <p>(E) A nonconforming sign shall not be re-established once the sign structure has been removed.</p> <p>(F) A nonconforming sign shall not be re-established after the use has been discontinued regardless of reason or intent for 180 days or more.</p> <p>(G) If a nonconforming sign is blank or advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 180 days after the use has ceased operation or the service or commodity has ceased being offered.</p> <p>(H) Nonconforming portable and temporary signs shall be removed within 60 days of the effective date of this Ordinance.</p>

(c) Continuance of nonconforming uses. A nonconforming use may not be changed, expanded or resumed to any other nonconforming use, unless the Board of Adjustment finds that such use is no more detrimental to the neighborhood than the initial nonconforming use of the property in question. A change of title or possession or right to possession of property with a nonconforming use shall not be construed to prevent the continuance of such nonconforming use.

Hope Mills
Albemarle

16,163
16,003

§ 92.034 NONCONFORMING SIGNS.

(A) Except as herein provided, nonconforming signs that were otherwise lawful on the effective date of this subchapter may be continued.

(B) No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign or causes a previously conforming sign to become nonconforming.

(C) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this subchapter. Once a nonconforming sign is removed from the premises or otherwise taken down or moved, the sign may only be replaced with a sign that is in conformance with the terms of this subchapter.

(D) Minor repairs and maintenance of nonconforming signs necessary to keep a nonconforming sign for a particular use in sound condition are permitted so long as the nonconformity is not in any means increased.

(E) If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this subchapter, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign shall be considered "destroyed" if it receives damage to an extent of more than 50% of the sign's value immediately prior to the sign having received the damage.

(F) Notwithstanding other provisions contained in this section, the message of a nonconforming sign may be changed so long as this does not create any new nonconformities.

(G) (1) If a nonconforming on- premises sign that advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity has for a period of at least 180 days not been operated, conducted, or offered, that sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 30 days after the 180-day period has expired.

(2) Notwithstanding the above, if there is a change of name of business on a particular piece of property, and there were one or more on-premises nonconforming signs which advertised the former business or use, any new signs used, and all new sign faces for the new use or business, must meet all sign requirements for the underlying zoning district.

(H) (1) If a nonconforming sign remains blank for a continuous period of 180 days, that sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this subchapter or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign.

(2) For purposes of this subchapter, a sign shall be deemed "blank" if:

(a) It advertises a business, service, commodity, accommodations, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

(b) The advertising message it displays becomes illegible in whole or substantial part; or

(c) It does not contain an advertising message. (For such purposes, the terms "Sign For Rent," "Sign For Lease," "Sign for Sale," etc. shall not be deemed to be an advertising message).

(I) All nonconforming signs shall be removed within ten years following the effective date of this subchapter.

2.3.4 Nonconforming Signs (a) Continuation: Except as set forth in Section 9.7 of this Ordinance, requiring removal of a sign when the establishment it serves is discontinued, nonconforming signs may be continued subject to the

Pinehurst 15,752 limitations set forth in this Section;

(b) Enlargement or Alteration: A nonconforming sign, including its permanent message or its structure, shall not be extended, enlarged, moved, or otherwise altered unless the sign is made to conform to the applicable requirements of this Ordinance, except as outlined in (e) and (f) below;

(c) Damage or Destruction: When a nonconforming sign is demolished or damaged to the extent that more than 50 percent of its surface area requires replacement, the sign shall be removed or made to conform to the applicable requirements of this Ordinance;

(d) Cost of Repair or Maintenance: When the repair or maintenance cost of a nonconforming sign exceeds 50 percent of the replacement cost, the sign shall be removed or made to conform to the applicable requirements of this Ordinance.

(e) Legal Nonconforming Residential Neighborhood Development: Signs located at the entrance to the development made nonconforming by their placement within Village of Pinehurst Public Rights of Way may be replaced. These replacement signs shall conform to all other regulations including size and height and shall be constructed to meet NCDOTs and Village of Pinehurst requirements for vehicular safety. No sign shall be replaced under this provision without the approval of the Pinehurst Village Council. The Village Council may dictate a location that deviates from the original location if in their opinion this would be in the best interest of the public. The individual or entity desiring to construct the new signage shall also be required to obtain a Right of Way Encroachment.

(f) Non-Conforming signs serving multi-tenant developments may change out tenant names if no more than 1/3 of the message is changing.

8.8.1. Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of the Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:

8.8.1.1. No nonconforming sign shall be changed to another nonconforming sign.

8.8.1.2. No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.

8.8.1.3. No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign other than to make the sign conforming.

8.8.1.4. No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed.

8.8.1.5. No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds fifty percent of the estimated total value of the sign at the time of destruction. If damaged by less than fifty percent, but repairs are not made within three months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.

8.8.1.6. No nonconforming sign shall be relocated unless the sign can be made to conform with this Ordinance in its new location.

Larinburg

15,507

8.8.2. Signs located on premises which come within the zoning jurisdiction of the City of Laurinburg after the effective date of this Ordinance and which signs do not comply with the provisions of this Ordinance shall be subject to the requirements listed above.

8.8.3. Any nonconforming sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all the provisions of this Ordinance.

8.8.4. Signs in existence on the effective date of this Ordinance which do not comply with provisions regulating use of strobe lights, ziplights, flashing lights or rotating beacons; flags, streamers or strings of lights; or permanently installed or situated merchandise, shall be made to conform within ninety days from the effective date of this Ordinance.

8.8.5. The UDO Administrator shall order the removal of any sign maintained in violation of the provisions of this section for which removal procedures are herein prescribed, accordingly: the UDO Administrator shall give ninety days written notice to the owner or lessee to remove the sign or to bring it into compliance with this Ordinance. If the owner or lessee fails to remove the sign within ninety days after the ninety-day written notice has been given, the UDO Administrator or his duly authorized representative may institute removal proceedings according to the procedures specified in G.S. 160A-175.

Eden	15,403	<p>(1) Sign Removal A sign for which the permit has been revoked shall be removed by the owner.</p> <p>(2) Signs in Public Rights-of-Way Any sign installed or placed on public property or rights-of-way, except in compliance with this chapter or under an encroachment agreement with the North Carolina Department of Transportation or the city shall be forfeited to the public and be subject to confiscation.</p> <p>(3) Obsolete Signs Any sign which advertises a business no longer conducted on the premises shall be by he owner within 90 days of cessation of such business.</p> <p>(4) Unsafe Signs Any sign which is unsafe or insecure, or is a menace to the public shall be removed by the owner after due notice has been given by the Zoning Enforcement Officer.</p> <p>(5) Abandoned or Deteriorated Signs Any sign which has been abandoned or which has not been properly maintained, to include cleaning and painting surfaces and replacement of damaged parts, shall be removed by the owner after due notice has been given by the Zoning Enforcement Officer.</p> <p>(6) Signs Installed without Permit Any sign which has been installed in violation of the North Carolina State Building Code or in violation of this ordinance shall be removed by the owner after due notice has been given by the Zoning Enforcement Officer.</p>
Roanoke Raj	15,345	Left Voicemail to call back

Section 705. Change in Use of Property Where a Nonconforming Situation Exists. A nonconforming non-structural use of the land may not be changed to any use but a nonconforming use. A nonconforming use of a structure may be changed either to another nonconforming use, provided that the proposed use is determined by the permit issuing authority to be an equal or higher use, or, to a conforming use. When a nonconforming use of the land or a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

Henderson 15,271

(A). Nonconforming signs shall be governed by the provisions of this Section, and not those found in Article 12, Nonconforming Situations.

Stallings 15,270

(B). Subject to the remaining restrictions of this Section, nonconforming signs that were otherwise lawful on the effective date of this Ordinance may be continued in accordance with the removal schedule found in Section 9.10. *** Many 6 months, all before 7 years.

(C). No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in a manner so as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign

(D). A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.

Graham 14,647

13.1.6. CERTIFICATE OF NONCONFORMITY ADJUSTMENT REQUIRED. 13.1.6.1. A Certificate of Nonconformity Adjustment shall be required to enlarge, expand or otherwise alter any Nonconforming Use or Structure as set forth in this Section 13.1. A Certificate of Nonconformity Adjustment shall be issued by the Administrator subject to the requirements of this section. 13.1.6.2.

Application for a Certificate of Nonconformity Adjustment shall be submitted on a form prescribed by the Administrator. An applicant for a Certificate of Nonconformity Adjustment shall submit a detailed plan of the existing site, showing, the degree of Nonconformity with respect to the dimensional and design regulations of this Ordinance. In the case of a Nonconforming Use the application shall include an detailed explanation of the current Use including documentation of traffic generated by the current use.

Harrisburg 14,539

A. The ordinary maintenance or repair of an on-site nonconforming sign is allowed. The copy of an on-site nonconforming sign may be altered, replaced, or modified if the following two (2) conditions are met:

Kinghtdale 14,256

1. There is no change in the supporting structural components of the said on-site non-conforming sign; and

2. Only the existing on-site tenants operating a business on the related site at the time of the original sign construction , and whose name already appears on the non-conforming sign are permitted to locate copy on the non-conforming sign. New tenants may be permitted to locate on the related site; however, if they wish to add their tenant name to the existing non-conforming sign, the sign shall be immediately brought into compliance with all the requirements of Chapter 12. Under no circumstance however, shall the nonconforming condition of any nonconforming sign be increased. Any other alteration, replacement, conversion or change will require the entire sign to be immediately brought into compliance with all the requirements of Chapter 12.

B. Nonconforming signs which are destroyed or damaged by 50 percent (50%) or more of their value shall not be rebuilt or repaired except in conformance with the requirements of Chapter 12.

C. When the establishment to which a sign is related ceases or is vacated, the sign shall be classified as 'obsolete', and such sign, including all of its attendant supports, frames, and hardware, shall be removed within 180 days of the cessation or vacating of the use or establishment unless such sign is used by a new use or establishment on the premises in accordance with all of the other requirements of Chapter 12.

D. If there is an expansion of the heated square footage of an existing business, or a change in use to an existing building (except multi-tenant buildings), and there were one (1) or more on-premise nonconforming signs which advertised the former or current business or use, any new signs and all new sign faces for the new use or business must meet all the requirements of Chapter 12.

E. Residential neighborhood identification signs which exist prior to the adoption of this Ordinance may be replaced with new signs in the same location as the existing signs as long as the sign will comply with the sign area and height limitations of Chapter 12.

(3) Nonconforming signs or billboards shall be eliminated or changed to conform with the provisions of this chapter within eighteen months of the date such signs or billboards become nonconforming.

Whenever any nonconforming sign, or part thereof, is altered, replaced, or changed, the entire sign must immediately comply with the provisions of this Article.

Section 13-4 Nonconforming Signs.

a) After the effective date of this Ordinance, it shall be unlawful for any person to erect, construct or place any sign which does not conform to the requirements set out herein on any parcel of real property within the jurisdiction of this Ordinance.

Mount Holly 14,176

Reidsville 14,067

Hendersonv 13,814

b) Any advertising sign or business identification sign which is not specifically prohibited and is permanently affixed to a building, structure or the ground, which is nonconforming because of its height, size, setback or location shall be allowed to continue and shall be maintained as provided for in the preceding sections, but shall not be:

- 1) Changed to another nonconforming sign;
- 2) Structurally altered (except to meet safety requirements);
- 3) Altered so as to increase the degree of non-conformity of the sign.;
- 4) Expanded;
- 5) Re-established after its discontinuance for 60 days; City of Hendersonville Zoning Ordinance Page 191 Amended through 07-02-15
- 6) Continued in use after cessation or change of the business or activity to which the sign pertains; or
- 7) Re-established after deterioration, damage, destruction or voluntary demolition if the cost of reconstruction exceeds 60% of the replacement cost of a sign of comparable quality.

Mebane

13,698

10-7 Nonconforming Signs

Signs in existence on the effective date of this Ordinance which do not conform to the provisions of this Ordinance, but which were constructed, erected, affixed or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs. Although it is not the intent of this Ordinance to encourage the continued use of nonconforming signs, nonconforming signs shall be allowed to continue and a decision as to the continued existence and use or removal of such signs shall be controlled as follows:

(a) No nonconforming sign shall be changed to another nonconforming sign.

Mebane UDO, Article 10 10-6 February 4, 2008

(b) No nonconforming sign shall have any changes made in the words or symbols used or the message displayed on the sign unless the sign is specifically designed for periodic change of message.

(c) No nonconforming sign shall be structurally altered so as to change the shape, size, type or design of the sign other than to make the sign a conforming sign.

(d) No nonconforming sign shall be re-established after the activity, business or use to which it relates has been discontinued and such sign shall be removed.

(e) No nonconforming sign shall be re-established and all remains of the sign must be removed after damage or destruction, if the estimated expense of repairs exceeds sixty percent of the estimated total value of the sign at the time of destruction, as determined by the Building Inspector. If damaged by less than sixty percent, but repairs are not made within three months of the time such damage occurred, the nonconforming sign shall not be allowed to continue and must be removed.

(f) No nonconforming sign shall be relocated unless it is brought into conformance with the requirements of this Ordinance.

(g) Normal maintenance and repair of a nonconforming sign is permitted providing the shape, size, type or design of the sign is not altered.

(H) Amortization Schedule (1) *Nonconforming* Signs.

.....All *nonconforming* signs shall be removed or brought into compliance with the requirements of this Ordinance within seven (7) years from October 14, 1999, or until removed, renovated, altered, destroyed, or damaged as specified in this section, whichever is earlier. All *nonconforming* signs in any areas annexed into the Town of Lewisville after October 14, 1999 shall also be removed or brought into compliance with the requirements of this Ordinance within seven (7) years from the date of annexation or until removed, renovated, altered, destroyed, or damaged as specified in this section, whichever is earlier. *Nonconforming* signs situated on zoning lots used for any use allowed under the IP, RS zoning classifications and existing as of August 10, 2000, shall not be subject to amortization hereunder; provided such *nonconforming* signs shall be removed or brought into compliance if renovated, altered, destroyed or damaged as specified in this section; provided, further, however, with respect to all on-premises religious signs in any or all districts made *nonconforming* per Section B.3-2.1(B)(f), if any such religious sign is renovated, altered, destroyed or damaged, then such sign may be replaced with an identical sign so long as such sign is rebuilt within six (6) months or such renovation, alternation, destruction or damage.



PLANNING BOARD

Recommendation & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. The Planning Board shall advise and comment on whether the proposed amendment is consistent with "The Graham 2035 Comprehensive Plan" and any other officially adopted plan that is applicable. The Planning Board shall provide a written recommendation to the City Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Nonconforming Site Elements (AM1612)

Type of Request
Text Amendment

Meeting Dates
Planning Board on April 19, 2016
June 21, 2016
City Council on July 5, 2016

☐ I move to **recommend APPROVAL** of the application as presented.

☐ I move to **recommend DENIAL**.

☐ The application is **con**

☐ The application is **not**

The action is reasonable:

The Planning Board Tabled this item. However, due to the public notice, a Public Hearing is scheduled for 9/6/2016

an.

hensive Plan.

ns:

This report reflects the recommendation of the Planning Board, and the 21st day of June, 2016.

Attest:

Andy Rumley, Planning Board Chairman

Martha Johnson, Secretary



City Council Decision & Statement of Consistency

Per NCGS 160A-383, zoning regulations shall be made in accordance with an adopted comprehensive plan and any other officially adopted plan that is applicable. When adopting or rejecting any zoning amendment, the City Council shall also approve a statement describing whether its action is consistent with the "The Graham 2035 Comprehensive Plan" and briefly explaining why the City Council considers the action taken to be reasonable and in the public interest. The Planning Board shall provide a written recommendation to the City Council, but a comment by the Planning Board that a proposed amendment is inconsistent with the "The Graham 2035 Comprehensive Plan" shall not preclude consideration or approval of the proposed amendment by the City Council.

Choose one...

☐ I move that the text amendment be **APPROVED**.

☐ I move that the text amendment be **DENIED**.

Choose one...

☐ The text amendment is **consistent** with *The Graham 2035 Comprehensive Plan*.

☐ The text amendment is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

State reasons...

This action is reasonable and in the public interest for the following reasons:

This report reflects the decision of the City Council, this the 6th day of September, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

Nonconforming Site Elements (AM1612)

Type of Request

Text Amendment

Meeting Dates

Planning Board on April 19, June 21,
July 19, and August 16, 2016
City Council on September 6, 2016



STAFF REPORT

SUBJECT:	CODE OF ORDINANCES AMENDMENTS – THIRD PARTY INSPECTION REPORTING
PREPARED BY:	AARON HOLLAND – ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend Code of Ordinance to add requirement for third party inspection reporting.

BACKGROUND/SUMMARY:

The attached amendment provides the Fire Chief the authority to mandate the method in which contractors who perform required inspection, testing and/or maintenance services on fire and life safety systems submit reports to the department. The Compliance Engine provides a secure cloud environment in which third party contractors can submit their reports via a web portal direct to the authority having jurisdiction, facilitating a more efficient review, tracking, and follow-up process with occupants to correct deficiencies and maintain systems. The end result is a comprehensive and accurate aggregation of data around which buildings have what types of systems, when they were last tested, and if there are any open deficiencies that could jeopardize their successful deployment in the event of an incident.

FISCAL IMPACT:

There is no charge to the City or the building owners. Fees are paid by third party contractors on per system, per premises, per annum basis.

STAFF RECOMMENDATION:

Approval. This is an amendment that several other jurisdictions (ex. Raleigh, Asheville, and Greensboro) have adopted recently to assist with and increase the effectiveness of their inspection reporting.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Chapter 2, Article V., Division 2 of the Code of Ordinances to add requirement for third party inspection reporting.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 2, ARTICLE V.,
DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

DIVISION 2. - FIRE PREVENTION CODE

Sec. 2-199. - Adopted.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion the current edition of the North Carolina Fire Prevention Code, as amended, and the same is and shall be on file in the office of the city fire inspector.

(Code 1978, ch. D, art. III, § 1 and ch. H, art. V, § 1; Code 1983, § 2-261; Ord. of 1-8-1980)

Sec. 2-200. - Enforcement generally.

The code adopted in this division shall be enforced by a licensed and sworn North Carolina Fire Code Official under the direction of the chief of the fire department.

(Code 1978, ch. D, art. III, § 2; Code 1983, § 2-262)

Sec. 2-201. - Schedules of fees on file.

There shall be kept on file in the office of the chief of the fire department and in the office of the city clerk a copy of the current schedule of fees charged for inspections.

Sec. 2-202. - Inspection—Upon complaint.

Whenever any person shall make written complaint to the chief of the fire department that any business or premises constitutes a fire hazard, it shall be the duty of the chief to have the same inspected immediately.

(Code 1978, ch. D, art. I, § 7; Code 1983, § 2-265)

Sec. 2-203. - Order to remedy hazard—Authorized.

Whenever the chief or code enforcement official shall find that any building or any premises constitutes a fire hazard, he shall serve or cause to be served upon the owner and the occupant of such building a written notice specifying the condition complained of, ordering the same to be remedied promptly, and indicating what is considered a reasonable time for compliance with such order.

(Code 1978, ch. D, art. I, § 8; Code 1983, § 2-267)

ADD: Sec. 2.204. - Third party inspection reporting system.

Records of all required monthly, quarterly, and annual system inspections, tests, and maintenance, as required by section 604.6, 901.6, 904.11, 909.20 and their respective referenced National Fire Protection Association standards shall be provided to the City of Graham through an approved third party inspection reporting system and reporting parties shall pay any fees associated with that service to the city's third party service provider.

Sec. 2-205. - Appeals.

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for under this article, or when it is claimed that the provisions of the fire prevention code do not apply or that the true

intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal to the North Carolina State Building Code Council.

(Code 1978, ch. D, art. III, § 4; Code 1983, § 2-272)

CERTIFICATION

I, Darcy L. Sperry, City Clerk of the City of Graham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance Amendment adopted by the City Council for the City of Graham, North Carolina, in regular session convened on September 6, 2016.

WITNESS my hand and the corporate seal of the City of Graham, North Carolina, this the 6th day of September, 2016.

City Clerk

(SEAL)

Helpful FAQs for Presenting to Fire Chief and Public Officials

What do they want to know about The Compliance Engine?

Based on numerous successful adoptions of The Compliance Engine, the following six questions are most asked by Fire Chiefs and Public Officials (Mayor or City or Village Manager) when discussing adoption of The Compliance Engine:

1) *What is the cost of The Compliance Engine?*

There is zero cost for any aspect of using The Compliance Engine (setup, training, ongoing service) for either the Department or the municipality. In fact, there is savings from its usage in terms of administrative time saved and reductions in false alarm activity from fewer system malfunctions.

2) *How does The Compliance Engine get paid for?*

Contractors submitting reports pay a per year, per system, per address filing fee of \$12. Brycer does not charge per report submission nor do we charge per riser. There is no upfront or additional cost. Contractors earn money due to the increased inspection and maintenance activity provided by TCE and code compliance. Building owners are not required to perform any additional inspections or maintenance that is not already required by code.

3) *Isn't this an added cost to the contractors?*

No. Contractors receive several benefits from utilizing The Compliance Engine (TCE) – the primary being it drives revenues for them and creates a larger overall market opportunity. From Brycer's experience and conversation with contractors currently using The Compliance Engine, the potential revenue increase from inspection and maintenance revenue far outweighs the filing fee paid. Using Brycer's notification feature (renewal, overdue, and deficiency), contractors have more of an assurance that inspections and maintenance work will be scheduled and performed consistently per the code. Contractors receive a 9-1 return on their investment. TCE has over 4,000 contractor's users nationwide already participating.

TCE is a win-win for all parties involved: our Department, contractors, premise owners, and the community.

4) *Isn't this an added cost on the properties?*

No the fee is charged to the contractors. As The Compliance Engine has proven, contractors have witnessed a return on this minimal investment, and jurisdictions are realizing a safer community due to compliance. Brycer's education of the contractor marketplace includes the net benefits of use of The Compliance Engine, which assists in preventing a pass through of costs. Additionally, use of The Compliance Engine will benefit municipalities in reducing false alarm activity, which will positively impact properties on their taxes and their property insurance premiums/policies. It is additional information which assist with ISO reviews and ratings as well.

5) *What is needed by us (the AHJ) to have reports submitted ... an ordinance, internal policy, etc.?*

To save time and cost by streamlining our reporting process, we need to make it a requirement that reports be submitted through The Compliance Engine. Brycer does not dictate how we establish such a requirement. Some of Brycer's clients have made submission mandatory via an internal policy (i.e. lock box), department resolutions and/or local ordinances.

With a mandatory, streamlined process that still allows contractors to use their own inspection forms, we gain better visibility into which buildings are compliant and which ones are not. This will allow us to immediately focus on the non-compliant buildings. If the submitted inspection data is not streamlined into and managed in one database, it will become extremely difficult for us to ensure the quality of code compliance across the life safety systems within our premises and jurisdiction.

Accurate, real-time knowledge of code compliance creates fewer false alarms, greater confidence of response in the event of an incident, and improved life safety for our first responders, property owners, and the community as a whole.

6) *What are the next steps to implement The Compliance Engine [after the Chief and/or Mayor and/or Village Manager provide buy-in]?*

- Define how we will require submission of all reports via The Compliance Engine and obtain legal review if necessary. Typically, the most delays occur when involving any type of legal review, so it is best to get started as soon as possible. Note: Brycer has examples of currently enacted ordinance language that it can share.
- Brycer will take an extraction of our premise data from our records management system (such as Firehouse or Image Trend]. This is a very quick process (15-20 minutes) and is done seamlessly. If we don't have a records management system, Brycer can take an excel file containing premise information and upload that data into The Compliance Engine. Brycer's product development and customer service teams will work with us Bureau to ensure the data is accurate and clean, to ensure reporting efficiency once the system goes live.
- Review, approval, and sign-off of the Brycer Service Level Agreement, which specifies our access to data within The Compliance Engine, as well as the terms and conditions of service. Brycer has found it most successful when this Agreement is provided to our attorneys for the Fire Department as soon as possible, as they may have certain vendor addendums that may need to be added.
- Review and approval (or edit) of the template notifications to be sent out via The Compliance Engine. The notifications are the renewal, overdue and deficiency notification.
- Review and approval (or edit) of the letter / email to be sent to contractors informing them of the Department's implementation of The Compliance Engine and the passing of the ordinance. Brycer will send this letter/email on our letterhead to all contractors operating within our jurisdiction.
- Brycer will schedule an extensive training session for any users of The Compliance Engine, prior to going live.



STAFF REPORT

GSUBJECT:	RESOLUTIONS AUTHORIZING APPLICATION FOR STATE GRANTS AND/OR LOANS
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve Resolutions authorizing application for State grant/loan assistance.

BACKGROUND/SUMMARY:

City Staff would like to pursue funding opportunities made available through the State for grant and low/no interest loans for three (3) projects. The projects are outlined as follows:

- 1. Water Distribution System Asset Inventory and Assessment:** It is well known that the City's water infrastructure is aging and will need considerable resources for maintenance, repair and replacement for many years to come. The City lacks a comprehensive analysis of its distribution infrastructure to guide us. Now we have an opportunity to apply for State funding assistance to engage in a study to inventory, analyze and prioritize the needs of our system. The results of the study will be particularly helpful in CIP programming, rate setting and maintenance operations.
- 2. Wastewater Collection System Asset Inventory and Assessment:** Like the City's water infrastructure, the City's sewer infrastructure is aging and many assets are believed to have exceeded their useful lives. Study results would provide the same benefits of assisting in CIP programming, rate setting and maintenance operations.
- 3. Boyd Creek Pump Station:** The Boyd Creek Pump Station was originally constructed in 1959 and is a high priority capital project. The pump station serves a significant amount of wastewater generated by the northwest section of the City. The age of the pump station, its susceptibility to flooding and the inability to find replacement parts serves as a great risk to the City's collection system and environment. The City Council adopted a capital project budget in July of 2015 to appropriate funds for design engineering, which is nearing completion. The construction of the new station is estimated to exceed \$2,000,000.

FISCAL IMPACT:

Mere application for funding has a negligible fiscal impact. If awarded and accepted, the 2 planning grants would require a 10% match which would be a maximum contribution of \$30,000 for both. If qualified, the Boyd Creek Pump Station Grant/Loan Project could afford the City up to a 25% grant and/or 0% loan.

STAFF RECOMMENDATION:

Approval. Adoption of the resolutions are preliminary steps in the competitive grant/loan process.

SUGGESTED MOTION(S):

1. I move we approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment.
2. I move we approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment.
3. I move we approve the Resolution Authorizing Application for Grant and Loan Assistance from The State of North Carolina for Construction of Boyd Creek Pump Station.

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WATER DISTRIBUTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of drinking water distribution systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's drinking water distribution system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing water distribution system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF
GRAHAM:**

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing water distribution system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

Jerry Peterman, Mayor

ATTEST:

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

Darcy Sperry, City Clerk

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR WASTEWATER COLLECTION SYSTEM ASSET
INVENTORY AND ASSESSMENT**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of wastewater collection systems; and

WHEREAS, The City of Graham has need for and intends to perform an inventory and assessment of the City's wastewater collection system. The inventory and assessment is meant to locate, identify and inventory the condition of the existing wastewater collection system and appurtenances; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Asset Inventory and Assessment Grant Program,

**NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF
GRAHAM:**

That the City of Graham will submit an application for grant assistance from the State of North Carolina for the asset and inventory assessment of the existing wastewater collection system.

That the City of Graham will provide a 10% match of the funds requested in the application toward the asset and inventory assessment. The grant request can be made in an amount up to \$150,000.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

Jerry Peterman, Mayor

ATTEST:

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20____.

Darcy Sperry, City Clerk

**RESOLUTION AUTHORIZING APPLICATION FOR GRANT AND LOAN ASSISTANCE FROM THE
STATE OF NORTH CAROLINA FOR CONSTRUCTION OF BOYD CREEK PUMP STATION**

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of constructing wastewater collection systems; and

WHEREAS, The City of Graham has need for and intends to The City of Graham has need for and intends to construct a sewer collection system project described as the replacement of Boyd Creek Pump Station; and

WHEREAS, The City of Graham intends to request state grant assistance for the project through the NC Department of Environmental Quality, Division of Water Infrastructure's Clean Water State Revolving Fund (CWSRF),

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF GRAHAM:

That City of Graham will arrange financing for all remaining costs of the project, if approved for a State grant or loan award.

That the City of Graham will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the City of Graham agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Graham to make scheduled repayment of the loan, to withhold from the City of Graham any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the City of Graham will provide for efficient operation and maintenance of the project on completion of construction thereof.

That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant and/or loan to aid in the construction of the project described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the City of Graham has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 6th day of September, 2016 at the Graham Municipal Building, 201 South Main Street, Graham, North Carolina.

Jerry Peterman, Mayor

ATTEST:

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting City Clerk of the City of Graham does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the City Council duly held on the _____ day of _____, 20____; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 20_____.

Darcy Sperry, City Clerk



STAFF REPORT

SUBJECT:	PROPOSED SOUTHERN LOOP
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Discuss the impact of the proposed Southern Loop.

BACKGROUND/SUMMARY:

The Southern Loop, an element of the Burlington-Graham Urban Area Thoroughfare Plan, begins at the intersection of NC 49 and Monroe-Holt Road and ties into Cherry Lane near Jimmy Kerr Road. In 2003, the Burlington-Graham Metropolitan Planning Organization (BGMPO) voted to have a corridor study and functional design developed for this project. According to the goals of the study, the BGMPO recognized that protection of this segment is critical due to increasing growth, particularly residential development, occurring throughout the southern portion of the county in and around the City of Graham.

The study highlights that the purpose of this project is two-fold. First, it will provide local traffic a safe and efficient way to get around the urban area and as a result some of the local traffic will be removed from I-40/85. Second, it will provide through traffic access to NC 49, NC 54, NC 62 and NC 87. As a result some of the traffic will be removed from the central business districts of Burlington, Graham, Haw River and Elon. It will also serve as a detour when there is an incident on the interstate.

From four alternatives that were evaluated, Alternative A was selected because it balanced avoidance of impacts to existing residential development and streams while providing a desired alignment. It was also determined that Alternative A provides the best intersection at NC 87. Alternatives A and B were presented to the Graham City Council on April 6, 2004. Following the meeting, the Council scheduled a public meeting to solicit public comments on the alternatives. The public meeting, held on June 8, 2004, included a presentation of Alternatives A and B. An investigation of possible design revisions were requested by Council. The investigation showed that the design revisions avoided some residences but added others for no net improvement in total impacts. This information was presented to Council on November 2, 2004. At their December 7, 2004 meeting, the Graham City Council approved Alternative A. On January 25, 2005, the TCC recommended proceeding with Alternative A as the Recommended Alternative. The TAC approved Alternative A as the Recommended Alternative on February 8, 2005.

TABLE 3 PRELIMINARY IMPACTS COMPARISON

EVALUATION FACTOR	ESTIMATED IMPACTS			
	Alt. A	Alt. B	Alt. C	Alt. D
Length (miles)	5.8	5.9	5.9	5.9
Relocations				
Residences	26	25	27	26
Parcels w/o Structures*	8	14	5	4
Businesses	2	2	4	5
Churches	0	0	0	0
Cemeteries	0	0	0	0
Number of Stream Crossings	8	10	8	9
Number of Regulatory Floodways Impacted	1	1	1	1
Forested Communities (ac)	117	114	109	95
Wetlands (NWI) (ac)	0.4	0.7	0.2	0.2
Historic Architectural Sites	0	0	0	0
Archaeological Sites	1	1	1	1
Hazardous Material Sites	0	0	0	0
Threatened & Endangered Species	---	---	---	---

* Indicates probable residential construction in the near future.

FISCAL IMPACT:

The NCDOT Strategic Prioritization Office of Transportation (SPOT) currently shows that this project has an estimated cost of \$151,900,000 and is ranked 13th out of 17 area projects.

STAFF RECOMMENDATION:

N/A

SUGGESTED MOTION(S):

N/A

**PRELIMINARY
SOUTHERN LOOP RIGHT OF WAY**

**INFORMATION ONLY
DO NOT USE FOR CONSTRUCTION**