

**CITY OF GRAHAM
REGULAR AGENDA
TUESDAY, OCTOBER 4, 2016
7:00 P.M.**

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

1. Consent Agenda:

- a. Approval of Minutes – September 6, 2016 Regular Session
- b. Tax Releases
- c. Request from the Graham Recreation and Parks Department to close the 100 block of W. Elm Street from 5:00 p.m. – 11:00 p.m. for the Thursday At Seven Concert Series on October 6, 2016

2. Old Business:

- a. 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
- b. Southern Loop
 - i. Approve Resolution Withdrawing Support

3. Requests and Petitions of Citizens:

- a. Public Hearing: Petition for Voluntary Contiguous Annexation at 304 Cheeks Lane (AN1602)
 - i. Approve Annexation Ordinance

4. Recommendations from Planning Board:

- a. Public Hearing: Marshall B3 (RZ1606). A request from Jason Cook to rezone property located at 208 South Marshall Street from R-7 to B-3

5. Cooper Estates

- a. Approve Foreclosure Resolution

6. Business Beautification Grant Discussion

7. Issues Not on Tonight's Agenda

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

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

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Nathan Page, Planning Director
Keith Whited, City Attorney
John Andrews, Fire Chief
Beau Russell, Fire Inspector
Frank Glover, Planning Intern

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.

Consent Agenda:

- a. *Approval of Minutes – August 2, 2016 Regular Session*
- b. *Tax Releases & Refunds*

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER	COUNCIL MEETING			
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
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				
ACCT#	YEAR	NAME	REASON FOR REFUND	AMOUNT REFUNDED
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

- 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 Markey 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*

Council Member Griffin McClure made a motion to approve the Consent Agenda, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Old Business:

a. Review Performance of the City Attorney

City Manager Frankie Maness reminded Council that for the past couple of months, we have discussed converting City Attorney Keith Whited from a contract role to an in house role. He added that he and Mr. Whited worked together on the employment agreement before them. Mr. Maness explained that the agreement would make Mr. Whited a permanent part-time employee with exempt status.

Council Members questioned Mr. Maness about the six month severance package, travel expenses, continuing education and professional expenses included in the contract. Mr. Maness advised that we currently reimburse employees for such items, with the exception of the severance package. He stated that this was included because Mr. Whited works directly for the Council and this contract was similar to the one Mr. Maness has too. He informed Council that Mr. Whited would not be protected by the grievance process afforded to all other City employees, so this clause adds a little protection to him should Council choose to relieve him of his duties.

After Council Members expressed concern over the severance package clause as well as the lack of a clear exit clause, Council Member McClure made a motion to support the employment agreement as written, seconded by Council Member Turner.

Ayes: Council Member McClure, Council Member Turner. Nays: Mayor Peterman, Mayor Pro Tem Linens and Council Member Lee Kimrey. Motion failed 3-2.

Council Member Kimrey made a motion to support the employment agreement with removing the severance package clause, seconded by Mayor Pro Tem Linens. Ayes: Council Member Kimrey, Mayor Peterman and Mayor Pro Tem Linens. Nays: Council Member McClure and Council Member Turner. Motion passed 3-2.

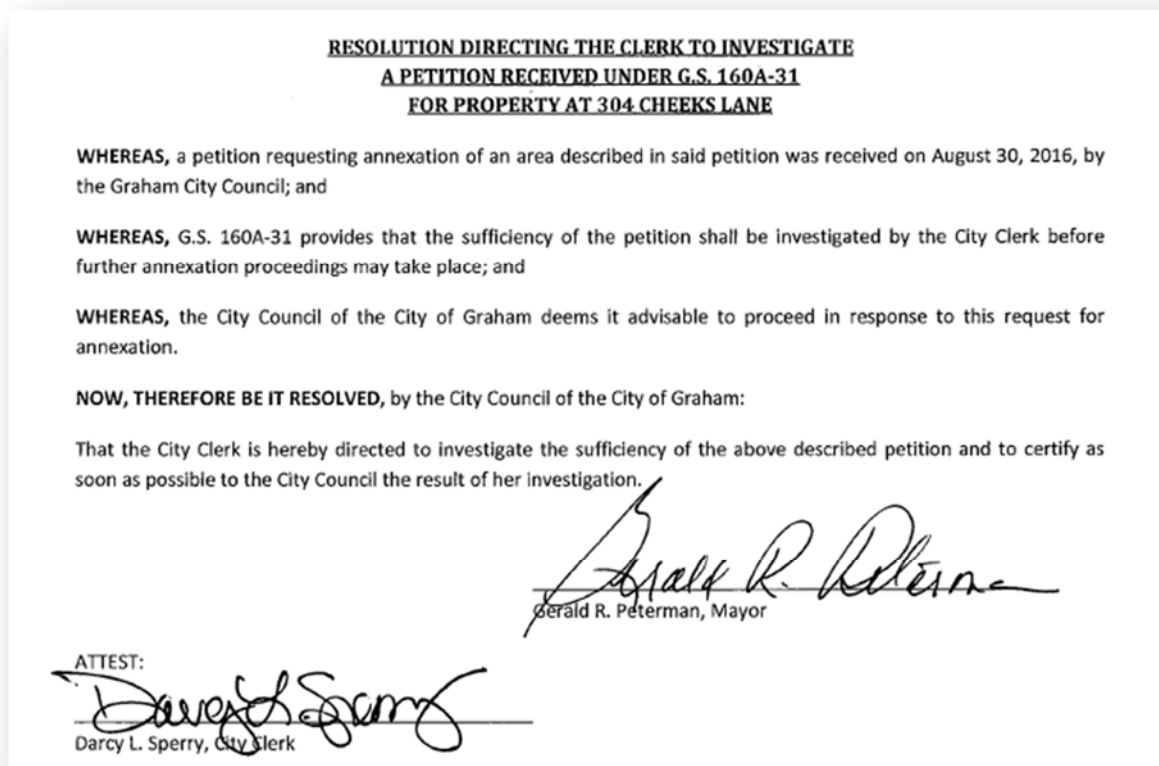
Requests and Petitions of Citizens:

a. Petition for Non-Contiguous Annexation at 304 Cheeks Lane (AN1602):

Planning Director Nathan Page explained that this is an application to annex a non-contiguous lot at 304 Cheeks Lane into the City of Graham. Mr. Page added that this is the first step in the annexation process which would require approval of the following:

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

Council Member Griffin McClure made the motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for 304 Cheeks Lane, seconded by Council Member Turner. All voted in favor of the motion.



Mayor Peterman made the motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for 304 Cheeks Lane – the date being October 4, 2016, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

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

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***

Mr. Page explained that this is an application for 12 lots from 17.5 acres to create this subdivision. The majority of the lots will face Lacy Holt Road with a few lots to front Knightdale Drive.

Council Member Kimrey asked Mr. Page about the location of water and sewer lines and TRC comments. Mr. Page advised that water and sewer availability is along Lacy Holt Road. He added that TRC requested additional detail from what was on the plat. With no further questions, Mayor Peterman opened the Public Hearing.

Mr. Chris Foust, 1851 South Main Street Graham, stepped forward to speak. Mr. Foust advised that the water and sewer lines will be in front of the homes on Lacy Holt Road and he expects the homes to be between 2,000 to 3,500 square feet in size. Council Members asked Mr. Foust about storm water management and whether or not he will develop all 12 lots himself or if he's planning on selling some of them. He said they are up for sale.

Mr. Tom Balchin, 2361 Knightdale Drive Graham, stepped forward and thanked Mr. Foust and Council for working with the current residents in that area during this process. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Kimrey made a motion that the application be approved, that the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: It does comply with The Graham 2035 Comprehensive Plan and it does fit within the neighborhood it's being proposed for. Council Member Turner seconded the motion and all voted in favor of the motion.

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

Mr. Page explained that this request came about because of the "Master Tire" business location. He added that currently, Auto Repair with outside storage visible from anywhere in the East Harden Street/Highway 54 Overlay District is prohibited. He advised that Ms. Mayzes proposes that the ordinance be amended to read: Auto Body Repair with outside storage of vehicles that are unappealing and unattractive visible from East Harden Street is prohibited. Mr. Page advised that staff felt that language would be difficult to enforce. The language was then changed to read: Vehicle assembling, painting, upholstering, rebuilding, reconditioning, body and fender work as well as the addition of Used Tire Sales is prohibited.

Following a brief discussion between Council Members and Staff regarding the general concern between body repair vs. inside repair and body repair with no outside storage, Mayor Peterman opened the Public Hearing.

Mr. Dewey Brown, 1015 East Harden Street Graham, stepped forward and identified himself as the owner of the property at which "Master Tire" is located. Mr. Brown stated that he bought this property at the corner of East Harden Street and East Elm Street for a rental property. He added that the property is kept clean and he understands about no outside repairs, but believes that inside repairs should be allowed. He is concerned that if this amendment is passed, he is not sure how this building will be able to be utilized. He asked Council to consider permitting mechanic work and tire sales inside the building.

Mayor Peterman asked Mr. Page how this ordinance amendment might be rewritten to allow some uses inside the building. Mr. Page said currently Used Tire Sales would be permitted at the property Mr. Brown spoke of. He suggested that it might read: No outside storage of used tires is permitted. He stated that he feels that it would still fit the intention of the ordinance.

Council Members discussed how the proposed amendment prohibits a lot of uses. They agreed that while we want to prohibit junk vehicles from being stored on property, we shouldn't want to prohibit someone from running a small body shop or restoring classic vehicles in our overlay areas. They also expressed concern over outside storage. Mr. Maness thought it would be helpful if he laid the groundwork for how we got to this point. He indicated that an individual wanted to use this property for auto repair with outside storage.

Our current ordinance does not permit that, so the only option available to them was to seek a change in the ordinance which would relax it enough to allow them to use the property in the manner in which the way they wanted. Mr. Maness went on to say that Mr. Page has to think about the general application of the ordinance throughout the entire East Harden Street/Highway 54 and Highway 87 Overlay Districts, not just this piece of property owned by Mr. Brown. The language Mr. Page proposes is to try to relax the ordinance, in keeping with the applicant's request, but also to preserve the integrity of the district. Mr. Maness reminded Council that this proposed amendment is from a citizen who initiated the ordinance amendment to relax our current ordinance.

Mr. Jeff Lineberger, 213 North Melville Street, stepped forward and stated that he thinks more time is needed to rewrite this proposal and questioned the ability to enforce the ordinance if Council decides to vote on this tonight.

Mr. Eric Crissman, Albright Avenue Graham, stepped forward and expressed concern over enforcement as well. Staff advised that enforcement would be by the City's Zoning Enforcement Officer.

Mr. Darrell Peebles, Climax Street Graham, stepped forward with concerns about junk vehicles on private property.

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

Council Members were not prepared to vote on this proposed amendment and directed Mr. Page to rewrite this proposed amendment in a way which will allow for storage not visible from the street and bring it back to Council next month.

ii. Utility Buildings (AM1619). A request by Randy Freeman to amend the Development Ordinance for Utility Buildings

Mr. Page explained that this request would allow storage sheds, trailers and utility buildings to be sold in the B-2 District as a use by right.

Following a brief discussion between Council Members and Staff on the affect(s) of this proposed amendment in the B-2 and Overlay Districts, Mayor Peterman opened the Public Hearing. With no comments forthcoming, Mayor Peterman closed the Public Hearing.

While referencing The Graham 2035 Comprehensive Plan's section pertaining to the East Harden Street/Highway 54 and the Highway 87 Overlay Districts being the primary approaches to our downtown and businesses, Council Member Kimrey expressed concern over the use by right in these districts, while Mayor Pro Tem Linens wondered if we are being too restrictive to businesses in the Overlay District.

Upon a request by Mayor Pro Tem Linens, Mayor Peterman re-opened the Public Hearing.

Ms. Jan Searls, 526 East Pine Street Graham, came forward and voiced her concerns over the appearance of the Highway 54 Overlay District, specifically at the I85/40 exit and entrance on Highway 54, saying it is not very appealing to the public.

With no additional comments, Mayor Peterman re-closed the Public Hearing.

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

- Would be a permitted use in the B-2 Zoning District, excluding the Highway 87 and Highway 54 Overlay Districts;

And the text amendment is consistent with The Graham 2035 Comprehensive Plan. Mayor Pro Tem Linens seconded the motion and all voted in favor of the motion.

Mr. Page and Mr. Whited advised Council that the public notice did not reference the Overlay Districts, so therefore public notice will have to be given and this be voted on again at the October 4, 2016 meeting.

iii. Home Occupations (AM1617)

Mr. Page stated that this is a request by Staff to amend the definition of Home Occupation in our Development Ordinance. He highlighted the changes proposed with this amendment:

- Home Occupations cannot change the essential residential character of the dwelling
- Employees may not come to the residence for exterior work purposes, including pick-up of materials, vehicles, assignments or similar purposes
- Up to one hundred square feet of an accessory building may be used in connection with the business
- There shall be no outside 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 be reasonably associated with the principal residential use. One commercial road-legal vehicle, with no more than three axels is permitted. A single trailer used for cargo/storage may be used if it is attached to vehicles at all times, but no construction or industrial equipment can be store on the trailer

Council Members expressed concern over the storage of utility trailers as well as the one hundred square feet use of an accessory building, stating they feel that this proposed amendment may be too restrictive. Mayor Peterman opened the Public Hearing and with no comments forthcoming, closed the Public Hearing.

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

- Construction and industrial equipment may be stored for a period of no greater than seven (7) days
- Utility trailers may be connected or disconnected on the property of the home occupation;

Upon concurrence, the motion was amended to include:

- 100 square feet or up to 1/3 of an accessory building may be used to accommodate a home occupation;

And that the text amendment is consistent with The Graham 2035 Comprehensive Plan. Council Member Kimrey seconded the motion and all voted in favor of the motion.

iv. Nonconforming Site Elements (AM1612)

Mr. Page explained this amendment to the Nonconforming Site Elements in Development Ordinance changes three things:

- Will permit the re-skinning of existing panels on signs
- Would increase the period of time for which a business is discontinued from 90 to 180 days or more
- Would change the language “existing use” to “Land Use Classification”

Council Members and Staff discussed the history behind this proposed change. Mr. Page advised that a sign at 141 East Harden Street had been re-skinned without having applied for a sign permit. The owner of the building presented his case to City Council after receiving a notice of violation and Council asked Staff to look at the current ordinance to see if it should be amended to be more business friendly. Council Members expressed concerns with businesses who cannot comply with monuments signs due to right of ways as well as this change possibly penalizing businesses with old signs. With no further discussion, Mayor Peterman opened the Public Hearing.

Mr. Brian Longest, stepped forward and stated that he represents a property owner in an overlay district who currently has a sign issue. He asked Council to consider a relaxation of the ordinance by which the business is not tied into a particular use specifically alluding to the time frame element of the ordinance. Mr. Maness advised that at some point we have to draw the line on abandoned signs. Mr. Maness stated that a property owner under this proposed amendment would be able to re-skin their existing sign with a for lease sign which will keep the sign from triggering the abandoned language of the ordinance.

Mr. Randy Freeman, 2180 Davis Road Haw River, asked for clarification of the current ordinance.

The following individuals encouraged Council to not support this proposed amendment and keep the ordinance as it reads now:

- Ms. Jan Searls, 526 East Pine Street Graham
- Ms. Elaine Murrin, 1213 Raspberry Run Graham
- Ms. Helen Sharpe, 522 North Main Street Graham
- Mr. Jason Cox, 200 North Main Street Graham
- Mr. Jeff Lineberger, 213 North Melville Street Graham
- Ms. Jeanette Beaudry, 308 East Harden Street Graham
- Mr. Eric Crissman, Albright Avenue Graham

Ms. Grace Baldwin, 900 East Hanover Road Graham, expressed concern that the Graham Historical Museum currently does not have a sign.

Council Member McClure made a motion that the text amendment be denied and that the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan, seconded by Mayor Peterman. Ayes: Mayor Peterman and Council Member McClure. Nays: Mayor Pro Tem Linens, Council Member Turner and Council Member Kimrey. Motion failed 3-2.

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 Kimrey. Ayes: Mayor Pro Tem Linens, Council Member Turner and Council Member Kimrey. Nays: Mayor Peterman and Council Member McClure. Motion passed 3-2.

Code of Ordinances Amendment:

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

Assistant City Manager Aaron Holland explained that this is a requested ordinance amendment being proposed by the City's Fire Department. This amendment is an effort to expedite fire inspections in a more organized and efficient manner. This third party company does the leg work for compliance so that when our Fire Inspector, Beau Russell, does make his routine visit, he has already had access to compliance information. 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. This would be a free service to the City, with the \$12 fee being paid by the individual contractor who checks systems for compliance.

Council Members and Staff discussed the advantages of having a third party company involved in this process, specifically the anticipated cut down on fire calls for non-compliant alarms and how having information on compliance would ultimately make the City safer. Council Member Kimrey expressed concern with this being a requirement and not being optional, the length of contract signed with the third party company and the City endorsing a company in the private sector to enforce this. He added that he would feel more comfortable in making a decision if he could see the terms of the contract.

Mayor Peterman made a motion 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, seconded by Council Member Turner. Ayes: Mayor Peterman, Mayor Pro Tem Linens, Council Member McClure and Council Member Turner. Nays: Council Member Kimrey. Motion Passed 4-1.

State Grant Resolutions:

Mr. Maness advised that several opportunities for State funding for water and sewer projects are available to Cities. He added that one of the prerequisites in an attempt to gather these funds is the adoption of resolutions by our Council. Staff would like to pursue funding opportunities made available through the State for grant and low/no interest loans for three (3) projects:

- **Water Distribution System Asset Inventory and Assessment**
- **Wastewater Collection System Asset Inventory and Assessment**
- **Boyd Creek Pump Station**

Mr. Maness stated that if awarded and accepted, the two 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.

Following a brief discussion regarding the benefits of these studies, Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment, seconded by Council Member Turner. All voted in favor of the motion.

Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment, seconded by Council Member Kimrey. All voted in favor of the motion.

Council Member McClure made a motion to approve the Resolution Authorizing Application for Grant and Loan Assistance from The State of North Carolina for Construction of Boyd Creek Pump Station, seconded by Council Member Kimrey. All voted in favor of the motion.

**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.

**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.

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 (NCCGS 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.

Southern Loop:

Mr. Holland presented the Staff report on the background/summary of the Southern Loop included in the agenda packet. 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 (NW1) (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.

Council Member Kimrey stated that at the most recent TAC meeting he attended, TAC did not award any points to this project. He further explained that points are assigned based on the importance of the project and the availability of funds. Council Member Kimrey added that some individuals have mentioned that this project may never be done.

Council Members expressed concern with continuing to support a project that bypasses the downtown Graham area. Mayor Peterman asked Mr. Maness for guidance on how to go about notifying TAC of this Council's concerns. Mr. Maness suggested Council approve a resolution pulling their support, advertise such decision and present that to TAC at the next scheduled meeting.

Mr. Glenn Patterson, 1310 South Main Street Graham and Mr. Jeremy Pace, 1840 Almond Lane Graham, encouraged Council not to continue to support this project.

Issues Not on Tonight's Agenda:

Mayor Peterman announced that the Friends of Graham Recreation & Parks and Shamrock Nutrition will be hosting a friends and family day on September 7, 2016 – with \$1 from every purchase being donated to the future Graham Recreation Complex.

At 10:46 p.m. Council Member Kimrey made a motion to adjourn, seconded by Mayor Pro Tem Linens. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
RELEASE ACCOUNTS**

OCTOBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
141465	2016	TRIAD COATINGS INC	OUT OF BUSINESS	84.93
657023	2016	WAY, ELIZABETH C	CLERICAL ERROR - ALAMANCE CO	108.85

TOTAL RELEASES 193.78



STAFF REPORT

SUBJECT:	CLOSURE OF 100 BLOCK OF WEST ELM ST. ON OCTOBER 6, 2016 FOR CONCERT
PREPARED BY:	MELODY L. WIGGINS, DIRECTOR OF RECREATION AND PARKS

REQUESTED ACTION:

The Recreation and Parks Department requests the closure of the 100 block of W. Elm St. in downtown Graham on October 6, 2016 for a "Thursday at Seven Concert"

BACKGROUND/SUMMARY:

This is the rain date for the concert that was rained out in September with the band "Hip Pocket".

FISCAL IMPACT:

Sponsorship money already received will cover the complete cost of this concert.

STAFF RECOMMENDATION:

Staff recommends approving closure of the 100 block of West Elm St. on October 6, 2016 from 5pm-11pm for a make-up concert in the "Thursday At Seven" concert series.

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE CLOSURE OF THE **100** BLOCK OF WEST ELM STREET ON **OCTOBER 6, 2016 FROM 5PM-11PM** FOR A MAKE – UP CONCERT IN THE "THURSDAY AT SEVEN" CONCERT SERIES.



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 Sep 6, 2016 and Oct 4, 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 with outside storage that is visible from public right of way; 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; Utility Building Sales, Sales of Storage Sheds and Trailers.

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.*

<u>Planning District</u>
All
<u>Development Type</u>
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 Planning Board
split 3 to 3 and
therefore has no
recommendation.

The action is reasonable and

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

ive Plan.



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,
October 4, 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 4th day of October, 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

Contact Information
Not applicable

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 16, 2016
City Council on Sep 6, 2016 and Oct 4, 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:

Project Name
Utility Buildings (AM1619)

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

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	E-1 (Note 19)	E-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	E-1 (Note 19)	E-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 Planning Board*
 The application is **not** *split 3 to 3 and*
therefore has no
recommendation.

The action is reasonable a

lan.
hensive Plan.

is:

This report reflects the recommendation of the Planning Board, this the 10th 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
and October 4, 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 4th day of October, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	RESOLUTION WITHDRAWING SUPPORT FOR THE PROPOSED SOUTHERN LOOP BYPASS
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

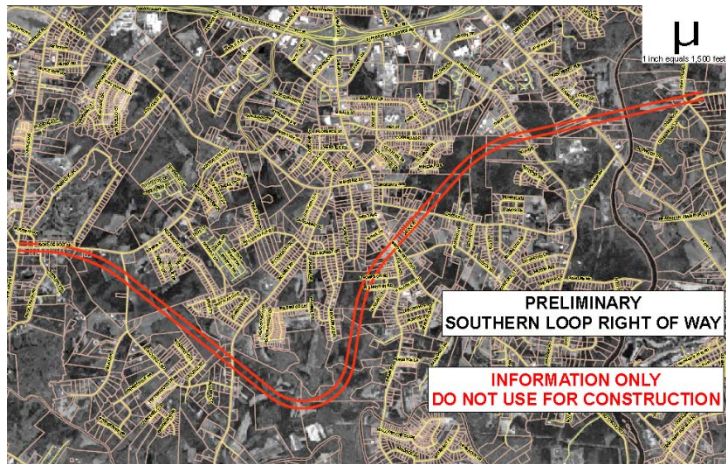
Approve resolution to withdraw support for the proposed Southern Loop Bypass Project.

BACKGROUND/SUMMARY:

On December 7, 2004, the Graham City Council selected Alternative A from a group of four (4) route options for the proposed Southern Loop Bypass. Alternative A begins at the intersection of NC 49 and Monroe-Holt Road and ties into Cherry Lane near Jimmy Kerr Road.

The selection from the City Council was forwarded to the Burlington-Graham Urban Area Technical Coordinating Committee (TCC) which recommended proceeding with Alternative A as the recommended alternative. The Transportation Advisory Committee (TAC) approved Alternative A as the recommended alternative on February 8, 2005.

The Southern Loop Bypass can be traced in documents as far back as the 1975 Alamance County Urban Area Thoroughfare Plan.



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. The City's participation in the cost of construction is estimated to be nominal, if any.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the resolution to withdraw support for the proposed Southern Loop Bypass Project.

RESOLUTION WITHDRAWING SUPPORT FOR THE PROPOSED SOUTHERN LOOP

WHEREAS, the NCDOT proposes a Southern Loop Bypass that begins at the intersection of NC-49 and Monroe-Holt Road and extends east to Cherry Lane near Jimmy Kerr Road; and

WHEREAS, the current route was recommended by the Graham City Council at their public meeting on December 7, 2004; and

WHEREAS, the Southern Loop Bypass has been part of a regional transportation plan since at least 1975 with no significant advancement towards construction; and

WHEREAS, while this project is a component of the Burlington-Graham Urban Area Thoroughfare Plan, it is not currently funded or slated for future development; and

WHEREAS, citizens of Graham have expressed concern that the City will be negatively impacted from traffic being steered away from the downtown business district and the proposed route has had an adverse effect on the sale and development of properties that neighbor and/or may be potentially acquired for the bypass;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT the City's support for the planning and construction of the Southern Loop is hereby withdrawn.

Adopted this the 4th day of October, 2016.

Jerry Peterman - Mayor

ATTEST:

Darcy Sperry, City Clerk



Petition for ANNEXATION

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

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		
Christian McIntyre	304 Cheeks Lane		

attach additional sheets if necessary...



STAFF REPORT

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

REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina 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. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

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. Annexation of the subject property will afford the property access to City services, with the exception of sewer which is currently not available at the property.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for the property at 304 Cheeks Lane.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR 304 CHEEKS LANE

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below;
and

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on October 4, 2016, after due notice by publication on September 22, 2016; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of October 31, 2016:

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.

Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

PLANNING ZONING BOARD
Tuesday, September 20, 2016

The Planning & Zoning Board held their regular meeting on Tuesday, September 20, 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, and Michael Benesch. Member absent was Kenneth Dixon. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, Frank Glover, Planning Intern, and Martha Johnson, Zoning/Inspections Technician.

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 August 16, 2016 meeting minutes. Ricky Hall made a motion for approval, second by Dean Ward. All voted in favor.
2. New Business: RZ1606 208 S Marshall Street from R7 to B3. An application has been received by Jason Cook to permit a Financial Office at this location, GPIN#8884233505, tax map 146192. Jason Cook 1895 Challenge Drive spoke next as the applicant. Mr. Cook stated he currently works at Smith Cook & Associates and is planning on building a new free standing structure at this location for himself. Mr. Cook said he has no drawings to show at this time because it will be a few years before he builds the structure and he stated it would be similar to Mid Carolina and Capital Bank being an all brick structure making it look more residential. Ricky Hall asked if there would be parking in the backyard and Mr. Cook said it would be front and back similar to Dr. Causey's business. Dean Ward said he had a potential conflict because he does business with Mr. Cook, and Bonnie Blalock disclosed that she lives in close proximity to the property. The Board had no problem with these situations. Ricky Hall made a motion to approve, second by Michael Benesch, all voted aye.
3. Old Business: Discussion of the *The Graham 2035 Comprehensive Plan* to revisit the plan a year after adoption. Ricky Hall made a motion that the *2035 Comprehensive Plan* go for another year and recommend at the next review to invite the stakeholders to attend the meeting, second by Michael Benesch. All voted aye.
4. Public comment on non-agenda items. None.
5. Potential Development Ordinance Issues. There was some discussion about several items for the next meeting: Co-location of Cell towers on Power Poles/Buildings, Definition for Beer & Wine, Façade colors in the Overlay- greater than 50%, Fee for Appeals and Downtown Economic Development. After lengthy dialog among the Board Members it was the consensus that next month's meeting should be about the Downtown Economic Development.

Dean Ward made a recommendation to move Andy Rumley to an ETJ Member. Ricky Hall second the motion, all voted aye. Also Mr. Rumley also asked that the prospective applicants be contacted to attend our next meeting if they are interested in serving on the Board.

No further business the meeting was adjourned.

Respectfully Submitted,
Martha Johnson
Inspections/Zoning Technician



STAFF REPORT

Prepared by Frank Glover, Planning Intern

Marshall B3 (RZ1606)

Type of Request: Rezoning

Meeting Dates

Planning Board on September 20, 2016

City Council on October 4, 2016

Contact Information

Jason Cook

108 S Maple St, Graham NC 27253

336-516-1889; jcook@stokescook.com

Summary

This is a request to rezone the subject property from R -7 to B-3. The lot is currently occupied by a single family home. The stated reason for this rezoning request is to permit "a financial office." *This property is located in and around the city's historic downtown area, and is a part of a compact, connected and diverse neighborhood.*



Location

208 S Marshall St

GPIN: 8884233505

Current Zoning

Residential (High Density) R-7

Proposed Zoning

Business (Neighborhood) B-3

Overlay District

none

Surrounding Zoning

O-1, R-7

Surrounding Land Uses

Single Family Homes, Offices

Size

0.5 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

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

Applicable Policies;

- **2.3.1 Downtown.** A vibrant downtown is critical for Graham’s economic success. Graham’s downtown is a priority when considering incentives, investments, regulations, and marketing. Encourage entertainment options to locate within Graham’s downtown. *Increasing the availability of commercial properties may assist in increasing the quantity of individuals frequenting our downtown.*

Applicable Strategies;

- **1.1.5 Discourage Strip Development.** Discourage strip development along transportation arteries and proposed interstate interchanges by directing these commercial activities to proposed activity centers. *A neighborhood business zoning would permit additional low impact commercial uses adjacent to our urban core.*

Description of Development Type

Downtown Residential

Development Toolkit Checklist

Located near a major thoroughfare

For single family residential and duplexes

Characteristics include porches, sidewalks, street trees, and garages setback from the front of the home

Density of 3-6 DU/acre

New homes should consider adjacent lot sizes and building orientations

Supporting Uses: Places of worship, daycares, parks, schools, civic spaces, neighborhood commercial, small professional offices

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan*, staff recommends **approval** of the rezoning. The following supports this recommendation:

- Actions like these, done over time, would permit a stronger commercial core with a more gentle transition into the adjacent existing neighborhoods.



Application for REZONING or CONDITIONAL REZONING

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 general district rezonings and conditional rezonings. Applications are due on the 25th of each month. Applicants are encouraged to consult with the *City of Graham Development Ordinances* and the City Planner.

Site

Street Address: 208 S. Marshall

Tax Map#: 146192 GPIN: 444233505

Current Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
- R-MF R-G C-R C-MXR
- B-1 B-2 B-3 C-B C-MXC
- O-I C-O-I I-1 I-2 C-I

Overlay District, if applicable:

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

Current Use: Residential

Total Site Acres: .5

Property Owner: Fike

Mailing Address: 208 S. Marshall

City, State, Zip: Graham, NC 27253

Applicant

Property Owner Other

Application for Conditional Rezoning may only be initiated by the owner of a legal interest in all affected property, any person having an interest in the property by reason of written contract with owner, or an agent authorized in writing to act on the owner's behalf. If the applicant for Conditional Rezoning is other than the Property Owner, documentation in compliance with the preceding statement must be provided in order for this application to be complete.

Name: Jason Cook

Mailing Address: 104 S. Maple St.

City, State, Zip: Graham, NC 27253

Phone #: 336-516-1889

Email: jcook@stokescook.com

I have completed this application truthfully and to the best of my ability.

Signature of Applicant: [Signature] Date: 8-19-16

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

- R-7 R-9 R-12 R-15 R-18
- R-MF R-G C-R C-MXR
- B-1 B-2 B-3 C-B C-MXC
- O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square footage and number of buildings:

Financial Office

For Conditional Rezoning, this application must be accompanied by a Preliminary Site Plan and supporting information specifying the actual use(s) and any rules, regulations or conditions that, in addition to predetermined ordinance requirements, will govern the development and use of the property.

Site Plan Review Application **must be attached to this application for Conditional Rezoning**

Office Use Only. DEVID#



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.

**Marshall B3
(RZ1606)**
Type of Request
Rezoning
Meeting Dates
Planning Board on September 20, 2016
City Council on October 4, 2016

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

- CONSISTANT W/ GROWTH MANAGEMENT PLAN

This report reflects the recommendation of the Planning Board, this the 20th 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.

**Marshall B3
(RZ1606)**

Type of Request
Rezoning

Meeting Dates
Planning Board on September 20, 2016
City Council on October 4, 2016

Choose one...

- I move that the application be **APPROVED**.
- 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 4th day of October, 2016.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	COOPER ESTATES FORECLOSURE RESOLUTION
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve the Resolution Authorizing Foreclosure on Properties with Outstanding Liens for Cooper Estates Water and Sewer Assessments.

BACKGROUND/SUMMARY:

The City of Graham extended water and sewer lines to the Cooper Estates area between 2004-2006. The total cost of the project was \$3,061,421.85, where 39% (\$1,193,954.52) was levied against 166 properties that gained access to the new lines. Assessment payments were due on November 6, 2006, unless landowners opted for installment payments or qualified for abeyance. The City Tax Collector has pursued all liens since 2006 but has exhausted all remedies except foreclosure. A total of 9 properties are outstanding and collectable as outlined below:

GPIN	PARCEL	CUSTOMER	ADDRESS	BALANCE
8883933222	145296	FINE, PAUL D & CATHY C	1026 MARTIN AVE	\$589.94
8883931179	145293	FINE, PAUL D & CATHY C	VL MARTIN AVE	\$5,178.78
8883831089	145159	GUTHRIE, MICHAEL K & JUDY C	911 DOGWOOD LN	\$5,405.72
8883921993	145279	HERNANDEZ, FILEMON & CELINA	1011 MARTIN AVE	\$4,637.03
8883820913	145137	KINCHELOE, BRADLEY & JENNIFER	849 MARTIN AVE	\$6,314.04
8883935215	145299	OVERBEY, PAUL T & NANCY G	1919 COOPER RD	\$2,037.38
8883841357	145189	TURLINGTON, JAMES F & ELLEN W	VL CHEEKS LN	\$2,481.72
8883738058	145033	Wicker, Steven & Neta	829 MARTIN AVE	\$6,158.07
8883923890	145284	Murray, Kenneth Jr & Eva Doris Brady	1955 COOPER RD	\$6,183.07

\$38,985.75

FISCAL IMPACT:

Total liens that are due and collectable are \$38,985.75. Any funds collected will be credited to the Water and Sewer Fund, but are not considered revenue in the operating budget.

STAFF RECOMMENDATION:

Approval

SUGGESTED MOTION(S):

I move we approve the Resolution Authorizing Foreclosure on Properties with Outstanding Liens for Cooper Estates Water and Sewer Assessments.

**RESOLUTION AUTHORIZING FORECLOSURE ON PROPERTIES WITH OUTSTANDING
LIENS FOR COOPER ESTATES WATER AND SEWER ASSESSMENTS**

WHEREAS, the extension of water and sewer lines to the Cooper Estates area was ordered by resolution of the City Council on the 7th day of September 2004 at a cost of \$3,061,421.85; and

WHEREAS, the Assessment Roll for the water and sewer extensions to the Cooper Estates area was duly confirmed by the City Council and the assessments thereon duly levied on the 5th day of September, 2006, at 9:25pm; and

WHEREAS, Assessments shown on the Assessment Roll were due in full without interest to the Tax Collector of the City of Graham no later than the 6th day of November 2006, or any property owner may have elected to pay the assessment in five (5) annual installments, the first installment being due and payable without interest on the 6th day of November, 2006. The succeeding installments were due and payable on the same date in each of the four (4) succeeding years with interest added at a rate of two percent (2%) per annum beginning on the 7th day of November, 2007; and

WHEREAS, some properties shown on the Assessment Roll remain unpaid with the City having exhausted all other collection remedies; and

WHEREAS, General Statute § 160A-233 (c) authorizes that assessment liens may be foreclosed under any procedure prescribed by law for the foreclosure of property tax liens, except that lien sales and lien sale certificates shall not be required, and foreclosure may begin at any time after 30 days after the due date.

NOW, THEREFORE, BE IT RESOLVED by the Graham City Council that the City Attorney and Tax Collector are authorized to proceed with foreclosure remedies afforded by the North Carolina General Statutes for the properties identified below:

GPIN	PARCEL	CUSTOMER	ADDRESS
8883933222	145296	FINE, PAUL D & CATHY C	1026 MARTIN AVE
8883931179	145293	FINE, PAUL D & CATHY C	VL MARTIN AVE
8883831089	145159	GUTHRIE, MICHAEL K & JUDY C	911 DOGWOOD LN
8883921993	145279	HERNANDEZ, FILEMON & CELINA	1011 MARTIN AVE
8883820913	145137	KINCHELOE, BRADLEY & JENNIFER	849 MARTIN AVE
8883935215	145299	OVERBEY, PAUL T & NANCY G	1919 COOPER RD
8883841357	145189	TURLINGTON, JAMES F & ELLEN W	VL CHEEKS LN
8883738058	145033	Wicker, Steven & Neta	829 MARTIN AVE
8883923890	145284	Murray, Kenneth Jr & Eva Doris Brady	1955 COOPER RD

Adopted this 4th day of October 2016.

ATTEST:

Jerry Peterman, Mayor



Business Beautification Grant Overview

The Business Beautification Grant is a matching grant program to encourage private investment in the renovation and rehabilitation of existing properties along the city's corridors. The program will provide financial assistance in the form of a grant to non-residential property owners for improving the street-side appearance of their existing buildings and site features to enhance corridor appearance and achieve compliance with current regulation. All applications will be considered on a case-by-case basis and are subject to available funds.

Program Eligibility

- Applicants may be either owners or current tenants (with landowner's consent) of existing non-residentially-developed properties fronting on a roadway corridor in the city.
- Current or proposed use of the property must conform to applicable zoning regulations.
- Non-conforming uses are not eligible.
- Applicant shall not have any outstanding debt to the city.

Eligible Expenses

- Site work eligible for funding includes but not limited to: installation of public or handicap accessible sidewalks, signage, and landscaping. Funding may also be used towards the removal of nonconforming or illegal site elements such as signage.
- All contractor expenses incurred by the applicant for material and labor are eligible for reimbursement.
- The finished product must match the drawings and materials submitted by the applicant and approved by the city.
- Partial or incomplete work is not eligible for reimbursement.

Award/Reimbursement Procedures

- Applications will be accepted on a continuous basis and will be considered by the City of Graham Appearance Commission and are subject to available funds.
- Project scope, cost and proposed building elevations/materials and site improvements must be approved in advance by the city.
- Only one (1) award will be made per owner or tenant within a twelve month period, per platted lot. New applicants will be given priority.
- Projects are funded on a 50-50 matching basis, with the maximum City contribution being **\$5,000**.
- Payment will be made by the city within forty-five (45) days after completion of the project and city approval of applicant's written request for reimbursement.
- Project must be completed within 180 days of notice of award.
- Applicant agrees to maintain all improvements in "like new" condition for a period of five (5) years after completion of the work.