

City Council Meeting
Regular Session Agenda
Tuesday, July 3, 2018
7:00 P.M.



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

1. Honorary Proclamation:

- Jerry Peace – Proclamation of Commendation and Appreciation for 13 years of service to the City of Graham

2. Consent Agenda:

- a. Approval of Minutes – June 5, 2018 Regular Session
- b. Tax Releases

3. Old Business:

- a. Second Reading: Temporary Outdoor Sales Ordinance
- b. Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances
- c. Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts
- d. Downtown Development Coordinator Position

4. Recommendations from Planning Board:

- a. Public Hearing: Duplex in High Density (AM1804). Request by Kristen Foust to amend the City of Graham Development Ordinance, Section 10.135 - Table of Permitted Uses, to permit duplex dwellings as use by right in R-7 zoning district
- b. Public Hearing: ABC Business (RZ1803). Request by Larry Brooks to rezone property located at 603 W. Harden Street from I-1 to B-2 (GPIN 8874846840)

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

6. Issues Not on Tonight's Agenda



Proclamation of Commendation and Appreciation to Jerry Peace for His Service to The City of Graham

WHEREAS, Jerry Peace diligently served the City of Graham Water & Sewer Department from May 5, 2005 until June 30, 2018; and

WHEREAS, Jerry retired as Utility Maintenance Worker in the Water & Sewer Department on June 30, 2018 with over 13 years of service; and

WHEREAS, his wisdom, care, dedication and determination resulted in advancement within the City, while gaining the utmost respect from his colleagues and peers; and

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

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

BE IT FURTHER PROCLAIMED THAT: an expression of appreciation be extended to Mr. Jerry Peace in the form of this Proclamation of Commendation and Appreciation, and that this Proclamation 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 3rd day of July 2018.

Jerry Peterman, Mayor
City of Graham

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, JUNE 5, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, June 5, 2018, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Keith Whited, City Attorney
Nathan Page, Planning Director

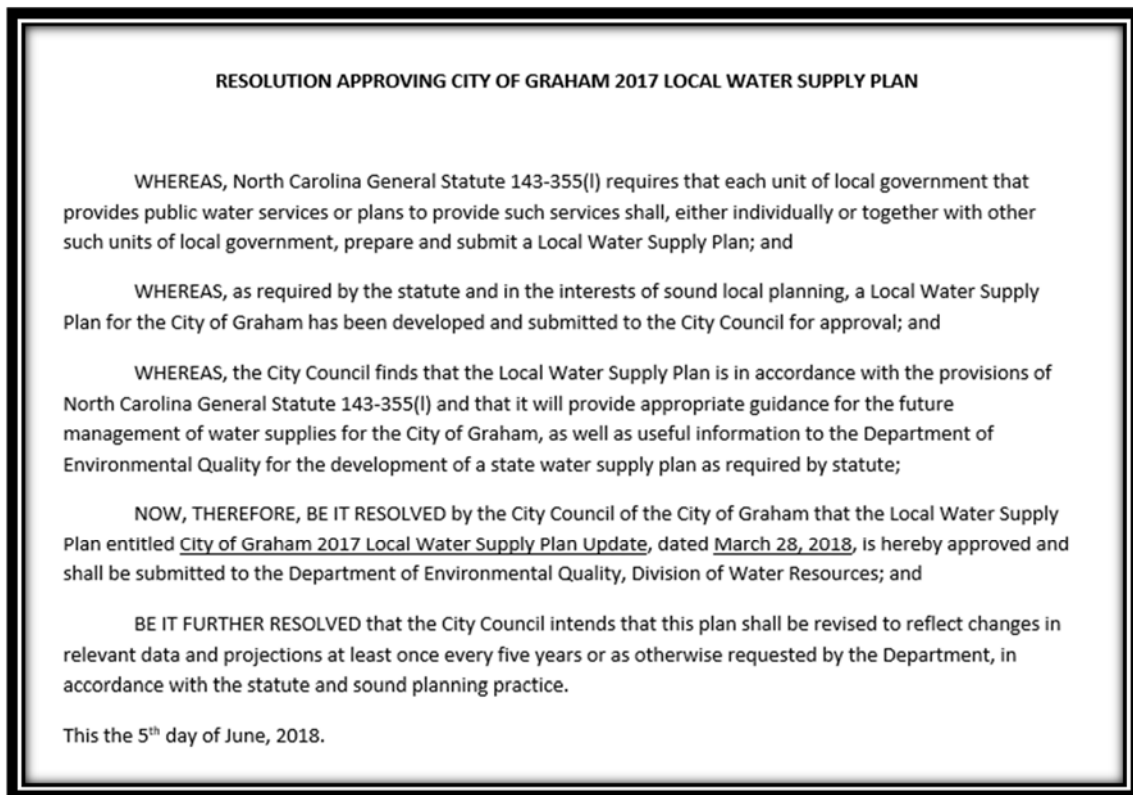
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Pastor James Garner of the Graham Church of God gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approval of Minutes – May 1, 2018 Regular Session*
- b. Approval of Minutes – May 18, 2018 Special Session*
- c. Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE COUNCIL MEETING				
ACCT #	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA EXEMPTION	10.50
378020	2017	STERIGENICS U.S. LLC	TAXES POSTMARKED FEDEX - REL INTEREST	594.00
579902	2010	ANTHONY MARBY	SOLD BOAT 2009, LIVED IN BURLINGTON 2010	14.49
598760	2012	EDWARD & ANITA HARWOOD	CLOSED BIZ LATE 2011, LANDLORD KEPT BPP	39.97
619924	2016	DAMIAN AVERY BLACKWELL	BOAT SOLD 2013	5.01
507528	2012-2013	RACHEL GIBSON	MOVED 2011, DIDNT OWN MH 2012 & 2013	32.63
558673	2010	ROGER ALAN GOTHORP	BOAT SOLD IN 2008	10.72
663345	2017	COYE JAMES COLEMAN	BOAT NOT IN CITY LIMITS	29.13
379498	2017	WOODWORKERS SUPPLY INC OF NC	BUSINESS CLOSED DEC 2016	76.73
500316	2017	NILE LEE LOVE	BOAT SOLD IN 2014	16.44
558599	2009-2014	PEDRO ORTEGA MENDOZA	TAXPAYER MOVED TO MEXICO 2007	11.05
492170	2017	RUTH DAVIS ISLEY	QUALIFIED FOR HOMESTEAD EXEMPTION	12.74
654101	2015	STEVEN C EUBANKS	SOLD BOAT 2014	18.62
32383	2015-2017	THOMAS & NANCY HAMPTON	PP NOT LOCATED IN CITY LIMITS	25.19
564232	2017	PRO MARINE SERVICE INC	BUSINESS NO LONGER IN GRAHAM	10.36
100406	2013	PULCINELLA'S (DIUCCO, ANTONIO)	BUSINESS CLOSED 2012 (2013 NEW OWNER)	55.55
578323	2017	RAMOS MAURILITO BAUTISTA	MOBILE HOME NOT LISTED IN 2017	38.69
19816	2017	ALMA G LATHAN	MOBILE HOME REMOVED, CUSTOMER MOVED	5.01

- d. *Appoint Diana Cummings to Historical Museum Advisory Board with a term of June 5, 2018 – June 30, 2019*
- e. *Appoint Jeanette Beaudry to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2020*
- f. *Appoint Jan Peterman to Historical Museum Advisory Board with a term of July 1, 2018 - June 30, 2021*
- g. *Appoint Tim Beshel to Recreation Commission with a term of July 1, 2018 - June 30, 2021*
- h. *Appoint Jan Peterman to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- i. *Appoint Vanessa Coble to Appearance Commission with a term of July 1, 2018 – June 30, 2021*
- j. *Appoint Tom Loy to Tree Board with a term of July 1, 2018 – June 30, 2021*
- k. *Appoint Eric Crissman to Tree Board with a term of July 1, 2018 – June 30, 2021*
- l. *Approve Resolution to Adopt the 2017 Local Water Supply Plan*



- m. *Approve FY 2017-2018 Budget Amendments*

**CITY OF GRAHAM
BUDGET AMENDMENT ORDINANCE
2017-2018**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2017 - 2018 Budget Ordinance shall be and is hereby amended as follows:

Section 1.

GENERAL FUND DEPARTMENT	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
City Council	45,200.00	58,700.00	13,500.00		
Administrative	514,100.00	514,100.00	-		
Information Technologies	307,400.00	274,400.00	-	33,000.00	
Finance	384,700.00	384,700.00	-		
Public Building & Ground	202,300.00	235,300.00	33,000.00		
Police Department	4,098,600.00	4,098,600.00	-		
Fire Department	1,059,300.00	1,059,300.00	-		
Inspections	484,600.00	484,600.00	-		
Traffic Engineering	29,100.00	29,100.00			
Garage Warehouse	86,300.00	86,300.00			
Street Department	1,605,100.00	1,766,600.00	161,500.00		
Street Lights	121,000.00	121,000.00			
Sanitation	848,900.00	848,900.00			
Recreation	805,100.00	805,100.00			
Graham-Mebane Lake	174,200.00	174,200.00			
Athletic Facilities	227,000.00	227,000.00			
Property Maintenance	741,900.00	741,900.00			
Non-Departmental	987,600.00	987,600.00			
	<u>12,722,400.00</u>	<u>12,897,400.00</u>	<u>208,000.00</u>	<u>33,000.00</u>	<u>175,000.00</u>

Section 2.

GENERAL FUND REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Current Year Tax	4,500,000.00	4,660,000.00	160,000.00		
Recycling Proceeds		3,900.00	3,900.00		
Powell Bill	390,000.00	401,100.00	11,100.00		
	<u>4,890,000.00</u>	<u>5,065,000.00</u>	<u>175,000.00</u>		<u>175,000.00</u>

Section 3.

WATER & WASTWATER EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
Water Billing admn	764,600.00	854,600.00	90,000.00		
W&S Distribution	1,479,700.00	1,479,700.00			
Maintenance & Lift Stations	326,700.00	326,700.00			
Water Treatment Plant	1,854,800.00	1,854,800.00			
Wastwater Treatment plant	1,248,000.00	1,508,000.00	260,000.00		
Non-Departmental	1,337,300.00	1,337,300.00			
	<u>7,011,100.00</u>	<u>7,361,100.00</u>	<u>350,000.00</u>	<u>-</u>	<u>350,000.00</u>

Section 4

WATER & WASTWATER REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
SURPLUS SALES	1,000.00	1,600.00	600.00		
WATER ACREAGE FEES	15,500.00	234,900.00	219,400.00		
SEWER ACREAGE FEES	15,500.00	115,500.00	100,000.00		
NCCP	75,000.00	105,000.00	30,000.00		
	<u>107,000.00</u>	<u>457,000.00</u>	<u>350,000.00</u>		<u>350,000.00</u>

Section 7

CAPITAL PROJECTS AND OTHER SPECIAL FUNDS REVENUES AND EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	NET INCREASE (DECREASE)
State Drug Funds	100.00	450.00	350.00		
Federal Drug Funds	100.00	179,100.00	179,000.00		
	<u>200.00</u>	<u>179,550.00</u>	<u>179,350.00</u>	<u>-</u>	<u>179,350.00</u>

Adopted this 5th day of June 2018

Mayor Peterman advised that he would like to pull items “i” and “m” from the Consent Agenda and asked if anyone would like to pull any other item. With no comments forthcoming, Council Member Griffin McClure made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f”, “g”, “h”, “j”, “k” and “l”. Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

Mayor Peterman asked City Clerk Darcy Sperry what the residency requirements for the Appearance Commission were in agenda item “i”. Ms. Sperry read Section 10.291 Membership; appointments of the Development Ordinance, *“The Appearance Commission shall be limited to a total membership of nine (9) persons with up to two (2) members residing in the extraterritorial jurisdiction of Graham. Members shall be appointed by the Graham City Council upon receipt of a completed application submitted to the city clerk’s office. Appearance Commission members shall serve a three-year term and may be appointed to subsequent three-year terms.”*

Council Members briefly discussed the need to be consistent with language for volunteer boards with requiring members to reside within the City limits or extraterritorial jurisdiction (ETJ). By consensus, they agreed that this current language does not specifically state that. Council directed staff to look into amending this in the future and also work on moving the Appearance Commission language from the Development Ordinance to the Code of Ordinances. Mayor Pro Tem Lee Kimrey made a motion to approve item “i” on the Consent Agenda, seconded by Mayor Peterman. All voted in favor of the motion.

Mayor Peterman asked City Manager Frankie Maness to explain a recent change in item “m” that Council Members had received prior to this meeting. Mr. Maness advised that due to a recent failure in equipment at the Wastewater Plant, additional monies needed to be added to the budget so as not to violate the current Budget Ordinance. The additional expense will be offset by a surplus in revenues for this account. Council Member McClure made a motion to approve item “m” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Old Business:

a. Public Hearing: System Development Fees

Mr. Maness and Mr. Glynn Fleming of Alley, Williams, Carmen & King explained the requirements for the proposed System Development Fees per changes in the General Statutes. Mayor Peterman opened the Public Hearing.

Ms. Jennifer Talley of 808 Sideview St. Graham stepped forward and expressed concern with the proposed fees. With no further comment forthcoming, Mayor Peterman closed the Public Hearing.

b. Public Hearing: Adoption of Budget Ordinance for FY 2018-2019

Mr. Maness presented the Budget Ordinance for Fiscal Year 2018-2019. Mr. Maness explained that this is the annual financial plan for the City. He added that the total budget is \$21,363,600 and is spread across the General, Water & Sewer and Garage Funds. This Budget will begin July 1, 2018 and run through June 30, 2019.

Following a brief discussion between Council and staff, Mayor Peterman opened the Public Hearing.

The following individuals stepped forward and expressed concern with \$60,000 included in the Budget for funding to utilize the Co/Operative as an Economic Development agent for the City with Ms. Chelsea Dickey fulfilling that role:

Ms. Linda Barnhill, 404 Forest Dr. Graham	Mr. Tom Boney of the Alamance News
Ms. Talley, 808 Sideview St. Graham	Mr. James Fletcher, 6242 S. NC 87 Graham
Mr. Paul Harden, 16 NE Court Square Graham	Mr. Chuck Talley, 808 Sideview St. Graham
Mr. Donny Collins, 117 N. Main St. Graham	
Mr. Jimmy Linens, 608 Williamsdale Rd. Graham	

Ms. Janee Farrar of 141 East Harden St. Graham and Ms. Molly Fudell of 101 North Main St. spoke in favor of the proposal with the Co/Operative and Ms. Dickey. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the proposal for Ms. Dickey's services in length while also discussing additional funds they requested Mr. Maness add to this Budget at the Budget Workshop on May 18, 2018. Council Members spoke of the different requests for funding the City receives each year from outside organizations and mentioned some actually funded in this year's Budget. Mayor Pro Tem Kimrey stated that he understands the public's concern while referencing the City's Development Ordinance and The Graham 2035 Comprehensive Plan which call for the City to grow the Downtown area. Council Member Wiggins stated that we need to invest in ourselves while Council Member McClure spoke of the growth of revenues since 2010 while taxes have remained the same. Mayor Peterman expressed concern with the timing of the presentation of the agreement with the Co/Operative while Council Member Chip Turner stated that he would like to see the \$60,000 removed from the proposed Budget. Council Members were in agreement that they were happy with the overall Budget Mr. Maness had put together.

Council Member McClure made a motion to adopt the Budget Ordinance for Fiscal Year 2018-2019, seconded by Council Member Wiggins. Ayes: Council Member McClure and Council Member Wiggins. Nays: Mayor Peterman, Mayor Pro Tem Kimrey and Council Member Turner. Motion failed 3:2.

Mayor Peterman made a motion to approve the Budget as presented minus \$60,000 from the Non-departmental Department in the General Fund, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.



Budget Ordinance FY 2018-2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM,
NORTH CAROLINA:

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of the City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

CITY COUNCIL	45,700
ADMINISTRATION	542,500
INFORMATION TECHNOLOGY	340,300
FINANCE	411,100
PUBLIC BUILDINGS	148,000
POLICE	3,859,200
FIRE	1,133,900
INSPECTIONS	602,200
TRAFFIC ENGINEERING	29,500
GARAGE AND WAREHOUSE	110,300
STREETS & HIGHWAYS	1,419,600
STREET LIGHTS	126,000
SANITATION	1,055,300
RECREATION	928,100
LAKE	173,000
ATHLETIC FACILITIES	375,000
PROPERTY MAINTENANCE	743,400
NON-DEPARTMENTAL	1,031,000
FUND TOTAL	13,014,100

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

CURRENT YEAR TAX	4,650,000
PRIOR YEAR TAXES	45,000
VEHICLE TAXES	485,000
PRIOR YEAR VEHICLE TAXES	500
PY VEHICLE INT & COLL FEES	100
PAYT LIEU TAXES	26,500
STORM WATER FEE	124,000
TAX COST & INTEREST	23,000

DEVELOPMENT FEES	1,000
SALE OF SURPLUS PROPERTY	20,000
PRIVILEGE LICENSE	100
RECYCLING PROCEEDS FROM SURPLUS	100
MISCELLANEOUS GRANTS	1,000
INTEREST ON INVESTMENTS	40,000
SCHOOL RESOURCE OFFICER	110,000
POLICE DONATIONS/GRANTS	49,000
MISCELLANEOUS INCOME	50,000
ALARMS	2,000
INSURANCE PROCEEDS	1,000
FRANCHISE TAX	950,000
BEER AND WINE TAX	62,000
POWELL BILL	395,000
LOCAL SALES TAX	3,350,000.00
SOLID WASTE DISPOSAL TAX	9,000
ABC REVENUES	71,000
BLDG & ELECT PERMITS	125,000
RECREATION DONATIONS	15,000
REFUSE FEES	310,000
CEMETERY REVENUE	42,000
SPORTS HALL OF FAME	1,000
RECREATION INCOME	100,000
RECREATION RENTALS	19,000
GRAHAM MEBANE LAKE	31,000
COURTS & FINES	15,000
RENT ON CITY PROPERTY	28,000
MEBANE LAKE REVENUE	80,000
FUND BALANCE	1,477,800
NCCP	305,000
FUND TOTAL	13,014,100

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities and capital improvements for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

WATER AND SEWER BILLING	426,400
WATER AND SEWER DISTRIBUTION	1,741,900
MAINTENANCE & LIFT STATION	246,200
WATER TREATMENT PLANT	1,845,400
WASTEWATER TREATMENT PLANT	1,650,900
NON DEPARTMENTAL ADMIN	1,410,300
FUND TOTAL	7,321,100

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

SALE OF SURPLUS PROPERTY	1,000
INTEREST ON INVESTMENTS	35,000
SEWER SURCHARGES	15,000
OUTSIDE SEWER SURCHARGES	43,000
WATER CHARGES	2,750,500
SEWER CHARGES	2,660,000
PLUMBING PERMITS & INSPECTIONS	25,000
WATER AND SEWER TAPS	5,000
WATER & SEWER ASSESSMENTS	100
MISCELLANEOUS INCOME	7,500
FUND BALANCE	350,000
CUT OFFS	100,000
SALE/LEASE OF PROPERTY	27,000
MEBANE REVENUE	800,000
WATER PLANT EQUALIZATION	127,000
WWTP PAYMENT-Mebane	200,000
SWORDFISH-ALAMANCE COUNTY	100,000
NCCP	75,000
	7,321,100

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	903,400
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Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2018 and ending June 30, 2019.

ALA CO FUEL	204,600
CITY OF GRAHAM PARTS	210,300
CITY OF GRAHAM LABOR	158,400
CITY OF GRAHAM FUEL	199,300
GRAHAM HOUSING PARTS	3,900
GRAHAM HOUSING LABOR	2,500
GRAHAM HOUSING FUEL	6,100
ACTA PARTS	49,000
ACTA LABOR	32,700

GREEN LEVEL PARTS	6,500
GREEN LEVEL LABOR	9,000
GREEN LEVEL FUEL	7,900
ABC PARTS	300
ABC LABOR	-
ABC FUEL	2,100
SALE OF SURPLUS PROPERTY	100
INTEREST ON INVESTMENTS	600
MISCELLANEOUS INCOME	100
FUND BALANCE	10,000
Total	903,400

Section 7. The following amounts are hereby anticipated and appropriated for the City's Special Funds:

	Revenues	Expenditures
Cemetery Trust Fund	65,000	65,000
Federal Drug Monies	100	100
State Drug Monies	100	100

Section 8. There is hereby levied a tax at the rate of \$.455 per one hundred dollars (\$100.00) valuation of property as listed for taxes as of January 1, 2018 for the purpose of raising the Revenue listed as "Current Year Tax" and "Vehicle Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$1,179,600,000 (100% valuation) with anticipated collection rate of 97%.

Section 9. The schedule of Connection Fees in the City of Graham Rates and Fee Schedule are hereby repealed and the following System Development Fees are levied and implemented pursuant to G.S. 162A, as amended:

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$483.00
Single-Family Dwelling Unit	1"	1.67	\$806.00
Multi-Family Dwelling Unit	N/A	1.00	\$483.00
All Other Zoning Categories	3/4"	1.00	\$483.00
All Other Zoning Categories	1"	1.67	\$806.00
All Other Zoning Categories	1.5"	3.33	\$1,611.00
All Other Zoning Categories	2"	5.33	\$2,578.00
All Other Zoning Categories	3"	11.67	\$5,639.00
All Other Zoning Categories	4"	21.00	\$10,150.00
All Other Zoning Categories	6"	43.33	\$20,945.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

Customer Type	Water Meter Size	Equivalent Residential Unit (ERU)	System Development Fee
Single-Family Dwelling Unit	3/4"	1.00	\$1,185.00
Single-Family Dwelling Unit	1"	1.67	\$1,975.00
Multi-Family Dwelling Unit	N/A	1.00	\$1,185.00
All Other Zoning Categories	3/4"	1.00	\$1,185.00
All Other Zoning Categories	1"	1.67	\$1,975.00
All Other Zoning Categories	1.5"	3.33	\$3,950.00
All Other Zoning Categories	2"	5.33	\$6,319.00
All Other Zoning Categories	3"	11.67	\$13,823.00
All Other Zoning Categories	4"	21.00	\$24,882.00
All Other Zoning Categories	6"	43.33	\$51,334.00
All Other Zoning Categories	greater than 8"		calculated based on ERU

Section 10. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

Section 11. Copies of this Ordinance shall be furnished to the City Manager and the Finance Officer to be kept on file by them for their direction in the disbursement of City Funds.

Adopted this 5th day of June 2018.

c. Approve Resolution Establishing Water and Wastewater Capital Reserve Fund

Mr. Maness explained that pursuant to our Public Hearing for System Development Fees and adoption of our Budget, we are required by State Statute to establish a Water and Wastewater Capital Reserve Fund.

Following a general discussion about this Fund, Council Member Wiggins made a motion to approve the Resolution Establishing a Water and Wastewater Capital Reserve Fund. Council Member McClure seconded the motion and all voted in favor of the motion.

RESOLUTION ESTABLISHING A WATER AND WASTEWATER CAPITAL RESERVE FUND

WHEREAS, there is a need in the City of Graham to provide funds for future capital projects related to its combined water and wastewater system, and to make debt service payments on existing debt related to past capital projects for its water and wastewater system, and

WHEREAS, NCGS 159-18 authorizes the creation of a capital reserve fund, and

WHEREAS, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD THAT

Section 1. The Governing Board hereby creates a Water and Wastewater Capital Reserve Fund for the purpose of funding the following capital projects related to the City's water and wastewater system:

- **Wastewater Treatment Plant Biological Nutrient Removal Upgrade.** The existing plant lacks advance secondary treatment for Biological Nutrient Removal, calling for an upgrade to meet projected future requirements. The estimated cost of the project is \$12 million. The City expects to complete a study in 2019 and the project itself after 2022. The City intends to appropriate approximately \$200,000 of system development fee revenues to the CRF for this purpose. The City anticipates receiving a loan to fund the remainder of the cost. It will use future system development fee collections to make debt service payments on the loan if sufficient funds remain. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **Pump Station Upgrades.** The Old Fields, Back Creek 1 and The Haw River pump stations, on the east side of the City, convey waste in succession until it reaches the Graham Wastewater Treatment Plant. Each of the pump stations are nearing the end of their useful lives and will require upgrade to handle existing and expanding demands from the area; or alternatively an outfall to bypass them. The estimated cost of the project is \$1.75 million and the City expects to begin in 2021 and complete in 2024. The City intends to appropriate approximately \$800,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*
- **10" Transmission Line Replacement.** One of the City's main transmission lines from the plant into the distribution system is aging and susceptible to failure. The line is also lead-jointed. The estimated cost of the project is \$2.5 million and the City expects to begin in 2023-2024. The City intends to appropriate approximately \$500,000 of system development fee revenues to the CRF for this purpose. The City anticipates funding the remainder of the cost through a combination of user charges and retained earnings. *The 2018-2019 appropriation from the budget ordinance to the CRF of SDF proceeds for this purpose is currently \$0.*

Section 2. All system development fees levied by the City shall be deposited into this CRF.

Section 3. This CRF shall remain effective until all the above-listed projects, and any projects added in the future, are completed. The CRF may be amended by the governing board as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4. This Resolution shall become effective and binding upon its adoption.

This the 5th day of June, 2018.

d. Public Hearing: New Street Duplex (SUP1801). Application by Mohammad Bhatti for a new duplex at 708 ½ New Street, GPIN 8884076833

City Attorney advised Council that a Special Use Permit requires the Council to conduct a Quasi-Judicial Hearing in which Council Members take evidence and receive exhibits as presented. He added that anyone who wishes to testify for or against the petition will have to be sworn in. Mr. Whited instructed Mayor Peterman to poll the Council for any conflicts with this particular item.

Mayor Peterman polled the Council. Mayor Pro Tem Kimrey disclosed that he has had some informational communication with a property owner with regards to how this procedure works.

Mr. Whited referred to last month's meeting where it was determined that Mayor Pro Tem Kimrey does not have to recuse himself.

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

A brief general discussion ensued between Council Members and staff. Concern was expressed that the applicant was not in attendance to provide evidence that he meets the requirements of a Special Use Permit. With no further discussion, Mayor Pro Kimrey made a motion that the application be denied and the application is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

e. Approve Temporary Outdoor Sales Ordinance

Assistant City Manager Aaron Holland reminded Council that they approved a text amendment at their June 6, 2017 meeting that allowed for Temporary Outdoor Sales as use-by-right in the B-1 (Central Business) District at City approved and permitted events. Due to conflicting ordinances, Council directed staff to research and develop language at the request of Ms. Dickey at the January 2, 2018 meeting. For subsequent months, staff presented draft language based on the input provided by Council members, business owners and citizens.

Council Members and staff briefly discussed the proposed language and how this pertains to food trucks specifically. Council Members asked staff about distance requirements, number of days and enforcement of this ordinance.

The following individuals stepped forward and voiced their concern with either all or part of this proposed ordinance:

Mr. Ben Barnhill, 404 Forest Dr. Graham
 Ms. Theresa Emrick, 1173 Boone Road
 Mr. Don Penny, 114 N. Main St. Graham
 Ms. Talley

Mr. Talley
 Mr. Fletcher
 Mr. D. Collins

Ms. Farrar spoke in favor of the proposed language.

Council Members and staff addressed the concerns surrounding food trucks. They talked of how difficult a task it has been to write this ordinance. Council Members once again discussed distance requirements and also discussed the proposed permit fees.

Council Member McClure made a motion to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with a permit fee of \$25.00 and a distance of 25 feet from restaurants, seconded by Mayor Pro Tem Kimrey. Ayes: Council Member McClure, Council Member Kimrey and Council Member Wiggins. Nays: Mayor Peterman and Council Member Turner. Motion is insufficient for first reading to become law. The second reading is scheduled for July 3, 2018.

Requests & Petitions from Citizens:

- a. ***Request from Daniel and Lisa Alvis to close the West Elm Street Parking Lot from 9:00 a.m.-11:00 p.m. on Saturday, August 25, 2018 for a benefit for Little Pink Houses of Hope***

Mr. Daniel Alvis, 1022 Noah Rd. Graham and Ms. Dickey presented Council with some detailed information for the event planned for August 25, 2018. There will be music, vendors, children's inflatables and face painting as well as a 5k run with 100% of the profits donated to the Little Pink Houses of Hope.

Mayor Peterman made a motion to approve the request, seconded by Council Member Wiggins. All voted in favor of the motion.

Recommendation from Planning Board:

- a. ***Public Hearing: Temporary Outdoor Sales (AM1801). Application by Chelsea Dickey to amend the Development Ordinance to regulate temporary sales in the Code of Ordinances***

Planning Director Nathan Page recommended Council table this item until there is a regulation in the Code of Ordinances. Mayor Pro Tem Kimrey made a motion to table this at this time until we have public discussion in regards to approval of some ordinance, seconded by Council Member Wiggins. All voted in favor of the motion.

- b. ***Public Hearing: Fencing in Overlays (AM1802). Application by the Planning Board to clarify the appearance of fencing within the Overlay Districts***

Mr. Page explained that this request is for the addition of the word fences into Sections 10.441 and 10.466 of the Development Ordinance. The new proposed language would read "accessory structures, fences and signage shall be of consistent design with the primary structure and be constructed of like or architecturally compatible materials."

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing.

Mr. Jordan Conklin of 616 Johnson Ave. Graham stepped forward and asked for clarification of materials that could be used for fencing. He encouraged Council to look at language that would take out the type of fencing the Planning Board is trying to prohibit. Mr. Talley stepped forward and expressed concern with this language as well.

Council Members ultimately agreed that there are too many questions with the proposed language and by consensus, agreed to table this request until next month.

- c. ***Public Hearing: Shamrock Post Southern Loop (CR1801). Application by Jimmy Collins for new Conditional Zoning for additional homes within the old Southern Loop Route (GPIN 8873328657, 8873239224, 8873239631)***

Mr. Page stated this is a request to replace the existing Conditional Rezoning application for the unfinished section of Shamrock Valley. The amendment will permit additional homes to be constructed on the right-of-way which was originally reserved for the proposed Southern Loop. There are now a total of 232 homes, up from the original of 179. This comes to a total density of 3.04 dwelling units per acre.

Council Members and staff briefly discussed buffers and current density regulations in Suburban Residential Zoning. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Jimmy Collins of 5556 Friendship Patterson Mill Rd. Burlington stepped forward to address the Council. He stated that this request is the result of a change in demand for homes. Council Members asked Mr. Collins about buffer areas, the effect the removal of the Southern Loop has had on the original plan and the sewer outfall.

The following individuals who have property that abuts Mr. Collins property expressed concern with the density, water runoff and how it may impact their property:

Ms. Anne Kelly, 2270 Race Track Rd Burlington	Mr. Jim Sherard
Mr. Michael Kelly, 2270 Race Track Rd. Burlington	Mr. John Harris
Ms. Janet Sherard, 2304 Sherard Tr. Burlington	
Ms. Kathryn Sherard, Sherard Tr. Burlington	

Mr. Brent Cochran of 8518 Triad Dr. Colfax stepped forward to address concerns presented. Mr. Cochran is the engineer on this project. He advised that the concerns the neighboring residents have will be addressed through the Technical Review Committee process. Mr. J. Collins assured everyone that he wants to be a friendly neighbor. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Members discussed the direction in which The Graham 2035 Comprehensive Plan suggests growth and how this developer is doing what the Plan calls for. It was noted that the property currently is zoned R-12 and the developer could utilize the property as a use by right today, without coming before Council.

Mayor Pro Tem Kimrey made a motion that the application be approved with the following conditions:

- A twenty (20) foot buffer of existing vegetation for the western portion of the property be left in place;

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's compliant and very consistent with the requirements in our Comprehensive Plan. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Boards and Commissions Appointments:

Alamance County Library Committee – 2 year term

Council Member Wiggins made the motion to recommend Hiroko Solari for reappointment by the Alamance County Commissioners, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Historic Resources Commission – 4 year term

Council Member McClure made a motion to reappoint Cary Worthy, seconded by Council Member Wiggins. All voted in favor of the motion.

Housing Authority – 5 year term

Council Member McClure made a motion to appoint Evelyn Graves-Curtis, seconded by Council Member Wiggins. All voted in favor of the motion.

Planning Board/Board of Adjustment – 3 year term

Mr. Nathan Perry of 201 South Maple St. Graham stepped forward and stated that it has been a pleasure serving on the Planning Board and he would appreciate Council's consideration for reappointment.

Mayor Pro Tem Kimrey made a motion to reappoint Nathan Perry, seconded by Council Member Wiggins. All voted in favor of the motion.

Approve Resolution Authorizing Application to the NCDOC Rural Economic Development Division Reuse Building Grant Program for Expansion of Steve's Garden Market and Butchery

Mr. Maness explained that the requested resolution would complete an application packet by the City on behalf of Steve's Garden Market for expansion. The grant request is for \$80,000 or \$5,000 per job. If approved for the grant, Steve's Garden Market will almost triple in size and add up to 16 new employees.

Following a brief discussion between Council Members and staff regarding the handling of this grant, if approved, and the grant being tied to job expansion, Council Member McClure made a motion to approve the Resolution by the City Council of the City of Graham Authorizing Application to the NCDOC Rural Economic Development Division Building Reuse Grant Program for Expansion of Steve's Garden Market and Butchery. Council Member Wiggins seconded the motion and all voted in favor of the motion.

**RESOLUTION BY THE CITY COUNCIL OF THE CITY OF GRAHAM
AUTHORIZING APPLICATION TO THE NCDOT RURAL ECONOMIC
DEVELOPMENT DIVISION BUILDING REUSE GRANT PROGRAM FOR
EXPANSION OF STEVE'S GARDEN MARKET & BUTCHERY**

WHEREAS, the North Carolina Rural Infrastructure Authority (RIA) has authorized the awarding of grants from appropriated funds to aid eligible units of government in financing the cost of building activities needed to create jobs; and

WHEREAS, the City of Graham desires assistance in financing a building project that may qualify for Rural Grants/Programs funding; and

WHEREAS, the City of Graham intends to request grant assistance for the expansion of Steve's Garden Market and Butchery at 329 W. Harden Street from the Building Reuse Grant Program.

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

That the City of Graham will provide 5% of the Building Reuse Program Grant toward project construction costs, if approved for a grant;

That Jerry Peterman, Mayor and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the Rural Grants/Programs Section for a grant to assist in the above-named Building Reuse project.

That Frankie Maness, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as Rural Grants/Programs Section may request in connection with an application or with the project proposed; to make assurances as contained in the application; 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 the grants pertaining thereto.

Adopted this the 5th day of June, 2018 at Graham, North Carolina.

**First Reading: Amendment to the City of Graham Code of Ordinances –
Chapter 16 – Solid Waste**

Mr. Holland explained that the City is growing and the Sanitation Department has begun to feel the effects of this growth. This request is from the City's Public Works Director and calls for Council to amend the beginning time of garbage collections, from 8:00 a.m. to 7:00 a.m., in an effort to provide an efficient way to maintain the high level of service our residents are accustomed to while providing flexibility for the department.

Council Member Wiggins made a motion to approve the Ordinance amendment to Chapter 16 – Solid Waste to change the time of placement for garbage containers from 8:00 a.m. to 7:00 a.m. with an effective date of 01/01/2019, seconded by Council Member McClure. All voted in favor of the motion.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 16, SEC. 16-5 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended to read as follows:

CHAPTER 16 – SOLID WASTE

Sec. 16-5. - Receptacles generally.

All residences and some small business establishments will be provided with a large roll-out container for all garbage, waste and refuse for removal by the sanitation department. These containers will be of sufficient size to allow for collection once a week. The following rules and regulations shall be observed:

1. City-provided containers must be used so that automated trucks can be utilized. Bulk items or items too large to fit in the provided container will be serviced on call-in basis only.
2. Nothing except garbage as herein defined shall be placed in provided containers and such garbage shall be drained before being introduced into the garbage container. Ashes shall be cold and contained in plastic bags.
3. Garbage containers must be placed at the curb by ~~8:00~~ 7:00 a.m. on days of collection and shall be removed promptly after being emptied. No garbage receptacles of any kind shall remain upon any public street or any public lane or alley.
4. Garbage containers should be placed according to directions provided on the container. It is the resident's responsibility to ensure that vehicles do not block the container.
5. The following materials shall not be placed in garbage receptacles for residential collection by the city sanitation department: paints, liquids, hazardous waste, gasoline, oil, flammable liquids, caustic substances, solvents, explosives, hot coals or ashes, building materials, demolition materials, dead animals, yard waste, tires or any items banned by the county landfill.
6. It will be the responsibility of the city to maintain the provided containers in a reasonable working condition.
7. The resident or small business owner will be responsible for keeping his container in a clean and sanitary condition.

Issues Not on Tonight's Agenda:

Mr. Talley stepped forward and encouraged Council to establish an Economic Development Commission for the City.

Mayor Peterman asked Mr. Page for an update on the Garden Valley project.

Mr. Whited introduced his summer intern, Mr. Aaron Harris.

Council Member Wiggins asked staff to work on the residency requirement for the Appearance Commission.

Mr. Maness asked Council if they wanted to reschedule the July 3, 2018 meeting. It was agreed that the meeting will stay on July 3, 2018.

At 11:39 p.m. Council Member McClure made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

**CITY OF GRAHAM
RELEASE ACCOUNTS**

JULY COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
44006	2017	HIDEAWAY COMMUNITIES LLC	HOA COMMON AREA EXEMPT	16.25

TOTAL RELEASES ***16.25***



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	TEMPORARY OUTDOOR SALES ORDINANCE
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER, NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Amend Code of Ordinances and fee schedule to allow for Temporary Outdoor Sales.

BACKGROUND/SUMMARY:

City Council approved a text amendment at their June 6, 2017 meeting that allowed for Temporary Outdoor Sales as use-by-right in the B-1 (Central Business) District at City approved and permitted events. Due to conflicting ordinances, Council directed staff to research and develop language at the January 2, 2018 meeting.

After several months of discussion between Council, staff, and concerned parties, Council voted 3-2 during the first reading on June 5th to allow for Temporary Outdoor Sales with a 25 ft. distance requirement from restaurants and a \$25 permit fee. Because the vote was insufficient to pass on the first reading, a second reading was scheduled for July 3rd.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. Staff recommends amended language to clarify the distance requirement for vendors.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with a permit fee of \$25 and a distance requirement of 25 ft from any restaurant.

I move to approve the Ordinance amendment to Chapter 8 (Businesses), Article VIII of the Code of Ordinances to allow for Temporary Outdoor Sales with an annual permit fee of \$25 and a distance requirement of 25 ft to the main entrance of any similar establishment.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, ADDING CHAPTER 8, ARTICLE VIII, SEC. 8-345 TO 8-346 TO THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA

The City Council of the City of Graham, North Carolina, does ORDAIN:

Sec. 1. That the Code of Ordinances, City of Graham, North Carolina, is hereby amended by adding a section, to be numbered 8-345 to 8-346, which said section shall read as follows:

Chapter 8 - BUSINESSES

ARTICLE VIII. – TEMPORARY OUTDOOR SALES

ADD: SEC. 8-345. - Temporary Outdoor Sales:

The following restrictions apply to all Temporary Outdoor Sales on private property. These restrictions shall not apply to Garage Sales, as that term is used and defined in Article 8-306 et seq., Code of Ordinances, City of Graham, which shall hereafter continue to regulate such sales and conduct.

The following restrictions shall not apply to farmers selling goods grown on their own property, nor to approved vendors in association with City approved and permitted events. All other organizations shall limit their outdoor sales as follows:

1. **Permit Required:** Any vendor seeking to make use of this ordinance must apply to the City's Planning Department for a permit and pay the fee for the permit. The issuance of the permit is contingent upon the continuous operation of the liability insurance and any other regulatory requirement, such as health department food service permit for mobile food service.
2. **Cleanliness and Sanitation:** Vendors must post in a conspicuous place, visible to the public from the service window, all licenses and permits required by any regulator, including but not limited to the Health Department and Department of Insurance. Vendors are required to keep a 15 foot buffer free of trash. Vendors may not increase the burden on City Sanitation by using the City trash receptacles. Vendors must provide a private means for trash disposal.
3. **Hours of Operation:** Vendors may not begin their operations before 7AM. Vendors must complete all operations before 11PM.
4. **Duration:** The property owner shall only allow the use of their property for not more than three (3) days within a seven (7) day period. A vendor shall be limited to no more than one (1) day within that seven (7) day period.
5. **Permitted zones:** The zoning of the property must allow for the intended use of the vendor in accordance with the City of Graham Development Ordinances. Vendors may conduct sales within the public right-of-way in locations directed by City Staff only when the City Council has approved a temporary street closing for -City- approved and permitted events such as a street festival/fair.
6. **Location:** Vendors shall not be located within 25 feet of any restaurant.
7. **Sound:** Generator(s) must not run within 200' of a dwelling unit after 9 PM, nor before 8AM, except as part of a City sanctioned event. No vendor supplied music or amplified advertising shall be permitted at any time.
8. **Unattended sales:** All vendors must have personnel at the site of temporary sale at all times. The vendor site shall not be left unattended for more than ten minutes.

9. **Signage:** Other than any signs painted on the mobile unit (for example on the side of a food truck), only one A-frame sign, not to exceed 3 square feet per side is permitted.

SEC. 8-346 – Violation.

A violation of this ordinance shall be punishable as a Class 3 misdemeanor, subject to a fine not to exceed \$500.00 as provided in section 14-4 of the General Statutes of North Carolina (G.S. 14-4). Each day any violation of this Code or other ordinance shall continue shall constitute a separate offense. The imposition of a penalty under the provisions of this ordinance shall not prevent the revocation or suspension of any license, franchise or permit issued or granted hereunder. A violation of this ordinance is declared a nuisance to the public and may be summarily abated by the Chief of Police in addition to the imposition of a fine or imprisonment. Any violation of this Code by any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization, while acting within the scope of his office or employment, shall in every case also be deemed to be a violation by such corporation, association or organization. Any officer, agent or other person acting for or employed by any corporation or unincorporated association or organization shall be subject and liable to punishment as well as such corporation or unincorporated association or organization for the violation by it of any provisions of this Code, where such violation was the act or omission, or the result of the act, omission or order, of any such person.

(Section added xx/xx/xx).

Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law

This the _____ day of _____, 2018.

Mayor

ATTEST:

City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Temporary Outdoor Sales

Type of Request: Text Amendment

Meeting Dates

Planning Board on May 15, 2018

City Council on June 5, 2018

Contact Information

Chelsea Dickey

200 N Main Street, Graham NC 27253

chelsea@thecooperative.co

Summary

Chelsea Dickey has requested the City reexamine our existing Temporary Outdoor Sales. This amendment is to remove the restriction from the Development Ordinance, such that the Code of Ordinances would regulate the use. The Temporary Outdoor Sales would still need to abide by the closest zoning use. I.e. a commercial vendor would be permitted on B-2 lot, but not on a R-7 lot.

Project Name
Temporary Outdoor Sales (AM1801)

Location
city-wide

Current Zoning
not applicable

Proposed Zoning
not applicable

Overlay District
not applicable

Staff Recommendation
Approval

The following amendments to the Development Ordinance are proposed:

Existing Language:

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-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Roadside Stands & Outdoor Sales, Temporary, at a City approved and permitted event													X							

Proposed Language, removing the restriction from the Development Ordinance:

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-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Roadside Stands & Outdoor Sales, Temporary, at a City approved and permitted event	-	-	-	-	-	-	-	-	-	-	-	-	x	-	-	-	-	-	-	-

Regulations regarding the impacts of Temporary Outdoor Sales would be added to the Code of Ordinances by the City Council.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Strategy 2.1.5 Reduce Barriers Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development. *Mobile sales have been a less expensive way to enter into a market, and have successfully expanded into brick and mortar businesses in many municipalities. Additionally, this would make Girl Scout cookie or other similar sales permissible without requiring City Council approval.*

Planning District

All

Development Type

All

Strategy 2.1.1 Business Incubation Develop a business incubation program to encourage development of new business ventures. *As the cost to start a food truck can be around \$10,000 while a new restaurant is in excess of \$100,000, the ability for an entrepreneur to test a market theory is much more forgiving for food trucks.*

Policy 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. *With the current popularity of downtown events, the desire for additional dining venues has been growing. Food Truck Rodeos continue to be successful events in surrounding municipalities and draw crowds who typically do not frequent the downtown area.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

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 regulation of temporary outdoor sales is better located within the Code of Ordinances, as the Development Ordinances are intended to regulate land use.



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.

Temporary Outdoor Sales (AM1801)
Type of Request
Text Amendment
Meeting Dates
Planning Board on May 15, 2018
City Council on June 8, 2018

- I move to recommend **APPROVAL** of the application as presented.
- I move to recommend **APPROVAL** of the alternative language, as proposed by the Planning Board.

I move to recommend **DENIAL**.

Leave the language in the Development Ordinance, and clarify the requirements for Temporary Vehicular Outdoor Food Sales in the Code of Ordinances.

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

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

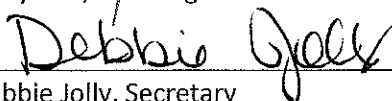
The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 15th day of May, 2018.

Attest:



Ricky Hall, Planning Board Chair



Debbie Jolly, 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.

Temporary Outdoor Sales (AM1801)

Type of Request

Text Amendment

Meeting Dates

Planning Board on May 15, 2018

City Council on June 5, 2018

and July 3, 2018

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 3rd day of July, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Entrance Overlays

Type of Request: Text Amendment

Meeting Dates

Planning Board on May 15, 2018

City Council on June 5, 2018 & July 3, 2018

Contact Information

Not Applicable

Summary

The Planning Board has requested a proposal for fencing permitted within the Highway 87 and the Highway 54 Overlays.

Project Name

Fencing in Overlays (AM1802)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Existing Language:

Section 10.441 (and 10.466) Building Standards

When architecture drawings are submitted to the City, the following design standards and prohibitions shall be required:

- (a) Manufactured and mobile units shall be prohibited, except for temporary use during construction or for storage of materials during construction.
- (b) Building facades visible from South Main Street shall be clad with brick or stone masonry, wood, stucco, or similar material. The facades of buildings located on corner lots that are visible from South Main Street and any other road shall be clad with brick or stone masonry, wood, stucco, or similar material. The use of textured vinyl siding or decorative, split-faced cinder blocks may be used but shall not exceed 25% of the visible side of the building. The use of cinder-block, smooth vinyl, and metal siding shall only be allowed on the side and rear of the building if not visible from South Main Street.
- (c) All façade colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors are prohibited. Building trim and accent areas may feature black and brighter colors, including primary colors. Roof colors shall be low reflectance and non-metallic.
- (d) Roof pitches less than 3/12 will require a parapet wall.
- (e) Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirror or reflective glass is not permitted at any location.
- (f) Accessory structures and signage shall be of consistent design with the primary structure and be constructed of like or architecturally compatible materials.
- (g) The use of decorative materials such as fountains, outdoor seating and benches, and statues are encouraged in pedestrian and open space areas.

Proposed Language:**Section 10.441 (and 10.466) Building Standards**

When architecture drawings are submitted to the City, the following design standards and prohibitions shall be required:

- (a) Manufactured and mobile units shall be prohibited, except for temporary use during construction or for storage of materials during construction.
- (b) Building facades visible from South Main Street shall be clad with brick or stone masonry, wood, stucco, or similar material. The facades of buildings located on corner lots that are visible from South Main Street and any other road shall be clad with brick or stone masonry, wood, stucco, or similar material. The use of textured vinyl siding or decorative, split-faced cinder blocks may be used but shall not exceed 25% of the visible side of the building. The use of cinder-block, smooth vinyl, and metal siding shall only be allowed on the side and rear of the building if not visible from South Main Street.
- (c) All façade colors shall be of low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors are prohibited. Building trim and accent areas may feature black and brighter colors, including primary colors. Roof colors shall be low reflectance and non-metallic.
- (d) Roof pitches less than 3/12 will require a parapet wall.
- (e) Street level windows should be untinted. Tinted glass with a minimum visual transmittance factor of 35 is permitted. Mirror or reflective glass is not permitted at any location.
- (f) Accessory structures and signage shall be of consistent design with the primary structure and be constructed of like or architecturally compatible materials.
- (g) The use of decorative materials such as fountains, outdoor seating and benches, and statues are encouraged in pedestrian and open space areas.
- (h) Fencing shall not be constructed of wire, unless not visible from the right-of-way of Highway 87, or an abutting street.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Strategy 1.1.1 Wayfinding and Gateways Develop and 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. *A proliferation of chain-link fences would not improve landscaping within the vicinity.*

Planning District

All

Development Type

All

Strategy 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. *The restriction of fencing materials may be continued for Conditional Zoning as well as future Special Use Permits.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

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 overlay has begun to enhance community character as development and redevelopment take place within the approach corridors.



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.

Fencing in Overlays (AM1802)

Type of Request

Text Amendment

Meeting Dates

Planning Board on May 15, 2018

City Council on June 8, 2018

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL** of the alternative language, as proposed by the Planning Board.
- 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:

The overlay has begun to enhance community character as development and redevelopment take place within the approach corridors.

This report reflects the recommendation of the Planning Board, this the 15th day of May, 2018.

Attest:



Ricky Hall, Planning Board Chair



Debbie Jolly, 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.

Fencing in Overlays (AM1802)

Type of Request
Text Amendment

Meeting Dates
Planning Board on May 15, 2018
City Council on June 5, 2018 and
July 3, 2018

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 3rd day of July, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	DOWNTOWN DEVELOPMENT POSITION
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Consider options for a Downtown Development Position

BACKGROUND/SUMMARY:

In May of this year Co|Operative submitted a contract proposal to the City to provide economic development services through the funding of a Director of Community Development position. The FY 2018-2019 Budget was adopted in June where funding was excluded in lieu of further study and consideration.

FISCAL IMPACT:

Per the staff recommendation below, the estimated expenditure impact (potential budget amendment) to the FY 2018-2019 Budget would be between \$32,000 and \$53,000, depending on various factors such as base pay and the onboarding timeline. This impact could be lessened depending on utilization rates of budgeted expenditures for employee salaries and/or employee attrition. In FY 2019-2020, the full financial impact would need to be considered in conjunction with other staffing needs.

STAFF RECOMMENDATION:

Downtown is the centerpiece of the City in more than one sense of the word. It's also central in the planning efforts and aspirations of the citizens of Graham. "Downtown" was referenced on 39 occasions in our former Growth Management Plan and is referenced 47 times in our current 2035 Comprehensive Plan; demonstrating that the significance and priority of downtown has crossed generations. Current development and interest in downtown is carrying momentum not seen in many decades. The City can use this momentum to further development and investment in downtown, and Graham at large, as there are still many properties that are vacant or underutilized. This same momentum has the opportunity to convey a positive message to those outside of Graham and help foster a sense of place for current and future citizens.

Inasmuch, when considering furthering and assisting development, nearly all stakeholders agree in the concept of the City funding a position for downtown economic development. Disagreement enters on how to structure the arrangement. Staff have identified the following options and recommends the highlighted approach:

1. Contract with Co|Operative as proposed.
2. Develop a Request for Proposal (RFP), a selection process, and contract.
- 3. Create a regular City position. (Draft job description attached)**
4. Create a City position, but staffed via an employment contract.
5. Provide any direct contribution to Co|Operative to continue current efforts.

The recommendation of a regular City position is supported by the following:

- Recruitment, selection and onboarding can be accomplished in an expeditious manner, thus preserving momentum;
- A nonaligned and central point of contact for citizens and businesses is established;
- The position is afforded direct access to City resources and personnel who can assist in meeting objectives;
- The City is afforded the ability to direct the position to meet other City needs and extend beyond downtown as required;
- Transparency is inherent in City operations and several levels of accountability are built into the City hierarchy;

SUGGESTED MOTION(S):

1. I move we authorize the City Manager, City Attorney, Finance Officer and City Clerk to enter into a contract with Co|Operative based the original proposal.
2. I move we direct the City Manager to develop a Request for Proposal (RFP) and solicit interest from qualified firms who provide downtown development coordination services.
- 3. I move we authorize the City Manager to establish a position of Downtown Development Coordinator.**
4. I move we authorize the establishment of a Downtown Development Coordinator via an employment contract.
5. I move we authorize a contribution in the amount of \$_____ to Co|Operative to continue current economic development efforts on behalf of the City.

Downtown Development Coordinator

General Statement of Duties

Under the direct supervision of the Assistant City Manager, performs a variety of work in the overall implementation of events, programs, and the development of downtown and surrounding areas.

Distinguishing Features of the Class

This position is responsible for the initiation and management of programs and initiatives to retain and grow private investment and business development in Downtown Graham, as well as surrounding commercial areas to grow economic development and vitality in the City. Serves as liaison to the general business community.

Illustrative Examples of Work

Coordinates downtown economic development programs, including analysis and monitoring, business development and business recruitment.

Responds to public inquiries related to downtown and general business formation, location and expansion. Educates and assists businesses with approval processes, grant applications and other resources.

Promotes incentives, programs and other development efforts.

Provides coordinating support to City Departments related to service delivery in the downtown area, and assists in education and implementation as required.

Coordinates and promotes activities for downtown, including sales promotions, special events, printed materials, tourism and ongoing public relations.

Coordinates and maintains the City's social media accounts. Assists City Departments with press releases, educational efforts and coordinates the city newsletter.

Attends various department, committee, and board meetings as assigned to provide technical and staff support. Serves as liaison and provides support to the Graham Area Business Association.

Maintains a current database of downtown merchants and property owners; as well as available buildings and properties in and around downtown.

Works with public and private sector organizations in beautification, landscaping and aesthetic improvement projects.

Assists in the development and implementation of comprehensive and small area plans.

Promotes and positions the City of Graham and its downtown as a positive place for private investment.

Performs special projects and other related duties as required, directed, or as the situation dictates.

Knowledge, Skills, and Abilities

Knowledge of best practices, principles, regulations and procedures of downtown development programs and activities.

Knowledge of commercial real estate fundamentals and redeveloping downtown real estate best practices.

Knowledge of effective business retention and recruitment strategies and experience in working with the business community.

Knowledge of the municipal framework of government.

Skill in using a personal computer and geographical information systems.

Skill in operating other office equipment including phone, fax, and other related equipment.

Ability to analyze and compile technical and statistical information.

Ability to maintain accurate and precise records.

Ability to perform and organize work independently.

Ability to present facts effectively in oral and written form.

Ability to establish and maintain effective working relationships with city officials, developers, citizens, other employees, and the general public.

Commitment to be customer-service driven and positive results/outcome focused.

Physical Requirements and Working Conditions

Work in this position is sedentary work (exerting up to 10 pounds of force occasionally and/or negligible amounts of force constantly to move objects). Physical activities include climbing, balancing, stooping, kneeling, crouching, crawling, reaching, walking, pulling, grasping, feeling, talking, hearing, and repetitive motions. The employee must have the visual acuity to prepare and analyze data/figures, operate a computer terminal, use measurement devices, operate a city vehicle, and perform extensive reading. The employee is subject to indoor environmental conditions.

Position Qualifications

Graduation from a four-year college or university with a major in marketing, planning, public administration, economics, business, or related field and experience in marketing, event planning, or economic development; or an equivalent combination of education and experience. Valid North Carolina Class C Driver's License is required.

planning, or economic development; or an equivalent combination of education and experience. Valid North Carolina Class C Driver's License is required.

DRAFT

PLANNING ZONING BOARD

Tuesday, June 19, 2018

The Planning & Zoning Board held their regular meeting on Tuesday, June 19, 2018 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Ricky Hall, Nate Perry, Justin Moody, Bonnie Blalock, Dean Ward and Eric Crissman. Absent was Michael Benesch. Staff members present were Nathan Page, Planning Director, Aaron Holland, Assistant City Manager, and Alexa Powell, Planner. Chair Hall called the meeting to order, gave the Overview of the Board, general meeting rules and gave the invocation.

1. Approval of the May 15, 2018 meeting minutes. Eric Crissman made a motion for approval, second by Ricky Hall. All voted in favor.

2. New Business

- a. RZ1803 – Rezoning. Application requesting a rezoning from I-1 to B-2 for property located at 603 W. Harden St. submitted by Larry Brooks.

Nathan Page provided a brief overview of the development project, as stated in the Staff Report.

Larry Brooks 1509 Stonegate Dr. Graham, NC 27253

Tom Boney 114 W Elm St, Graham, NC 27253

Mr. Boney inquired whether there were plans for expansion at the present time.

Mr. Brooks indicated there were no plans at the present time for expansion. He explained the intent of this request was to properly zone the property so that future development would be permitted on this site.

Ricky Hall made a motion to approve the application stating it was consistent with the 2035 Comprehensive Plan and its intent was to bring the property into compliance with the current zoning regulations. Bonnie Blalock seconded. All vote Aye.

- b. AM1804 – Text Amendment. Application to permit duplexes as use-by-right within the R-7 district submitted by Kristin Foust.

Kristin Foust 1851 S. Main St. Graham, NC 27253

There are two parcels located on Washington St. the applicant would like to split into four lots to allow the construction of four duplex units. The applicant provided drawings of the proposed duplexes using the same plan as existing duplexes located at 307-309 Washington St. As currently written the Development Ordinance would not permit a Special Use Permit to be granted because the properties in question do not meet the street frontage nor the lot size requirements.

There was some discussion among the Board regarding a desire to permit this project stating it would be an asset to the neighborhood and a good use of land but there was hesitation by some members to adopt a blanket statement allowing duplexes in any R-7 zoned property.

Nathan Page indicated the Board could not make a motion specific to approving this individual project as the public notice was only for a text amendment. Alternatively, the Board could approve alternate language for a SUP to allow applicant to be eligible to apply for a SUP for each of the proposed

duplexes at the next meeting.

Dean Ward suggested the quality of the builder's products had no bearing on whether or not to allow duplexes in R-7 but rather the Board had a responsibility to look at the 2035 Comprehensive Plan and determine if the request was in keeping with those goals.

Dean Ward moved to recommend approval of the application as presented stating the application was consistent with the Graham 2035 Comprehensive Plan. Seconded by Nate Perry. The vote was 4 to 2, with Ricky Hall and Eric Crissman dissenting. The motion was approved as written.

c. RZ1802 – Rezoning. Application requesting a rezoning from R-7 to B-3 for property located at 204 E. McAden St. submitted by Curt McVey. Nathan Page provided a brief overview of the development project, as stated in the Staff Report. The applicant was not in attendance. Ricky Hall made a motion to table the application until such time as the applicant appears before the Board. Dean Ward seconded. All vote Aye.

d. AM1803 – Entrance Overlays Text Amendment. There was discussion by the Board regarding the addition of overlay districts for the entryways into Graham including 54 West, E. Elm St., and Washington St.

Nate Perry made a motion to wait for all members to be present for this discussion. The motion was not seconded and therefore failed to pass.

Members of the Board were then polled by the Chairman as to whether they wished to continue pursuing the identification of specific overlay criteria for these corridors. A majority wanted to look at what requirements could be made to address incompatible uses as well as improve the corridors aesthetic appeal. Several Board members expressed a desire for any criteria adopted to be reasonable and not stifle existing or future business. Dean Ward requested for staff to look into Burlington's Used Tire ordinance and bring the language back next month to explore something like that for Graham. The Board also requested that staff provide examples of overlay ordinances as a starting point for developing requirements. Discussion to be continued at next month's meeting.

Ricky Hall made a motion to adjourn. Seconded by Dean Ward. All vote Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Alexa Powell



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.135 Table of Permitted Uses

Type of Request: Text Amendment

Meeting Dates

Planning Board on June 19, 2018

City Council on July 3, 2018

Contact Information

Kristin Foust, McPherson Grading Co.

2461 Russell McPherson Rd., Burlington NC

27215. kfoust@mcphersongrading.com

Summary

Kristen Foust has requested an amendment to permit duplex dwellings as use by right in our high density residential zones.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.15 Definitions

Dwelling, two-family - A detached building designed for occupancy exclusively by two (2) families living independently of each other.

Project Name

Duplex in High Density (AM1804)

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-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC	
Dwelling, Duplex					S		X	X													1

Section 10.149 Special Uses Listed

Use: Duplex Dwelling Unit

Special Use District: R-7

Minimum of 11,000 square feet for each two dwelling units required.

Minimum of 80 feet road frontage required. On corner lots this frontage shall be measured on the side with the shortest width.

Proposed Language:

Section 10.15 Definitions

Dwelling, ~~two-family duplex~~ - A detached building designed for occupancy exclusively by two (2) families living independently of each other. All duplexes shall maintain sufficient parking for residents on a concrete, asphalt or permeable substitute surface, not to include gravel.

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-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC	
Dwelling, Duplex					X ^S		X	X													1

Section 10.149 Special Uses Listed

Use: ~~_____ Duplex Dwelling Unit~~

Special Use District: ~~_____ R-7~~

Minimum of 11,000 square feet for each two dwelling units required.

Minimum of 80 feet road frontage required. On corner lots this frontage shall be measured on the side with the shortest width.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Vision: Diverse Housing, Complete Neighborhoods

Graham will be a desirable place to live because of its variety of high quality housing options, providing affordable choices to people of all backgrounds. Neighborhoods will be walkable, safe, and vibrant and will promote private investment and enhancement of existing and future properties.

Issue 2: Maximize Land Use Efficiency

Communities are often tempted to support inefficient development in the name of economic growth. This can end up leading to higher costs to the public in the long term. Graham should plan for the efficient allocation and use of infrastructure over time, especially within employment and industrial areas.

- 2.2.1: Focused Development** In order to maintain Graham's affordability and promote infill development and focused, walkable, and mixed use built environments. *Permitting duplex structures in Graham will incentivize infill development and allow for greater density without lengthening municipal infrastructure.*

- **2.3.1: Facilitate focused development** Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development. The City could choose to utilize some of the following methods: Expedited permit review... flexible and innovate regulations... *The switch from requiring a special use permit to use by right would require only the building inspector review plans for duplexes, reducing the three month lead time, public hearings and City Council approval currently required.*
- **5.1.1 Housing variety** Encourage a mix of housing types within Graham to increase choice. These can include single family dwelling units, multifamily dwelling units, small units, pre-fabricated homes, co-housing, and clustered housing. *This amendment facilitates a diversity of housing options.*
- **5.2.1 Diverse Neighborhoods** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units. *This amendment allows additional neighborhood choices.*
- **5.2.2 Multigenerational Housing** Promote buildings and neighborhood designs that serve multiple age groups simultaneously and meet the needs of young people, families, older adults, and people with disabilities, especially in focus areas and in close proximity to services. *Permitting the construction of additional duplex would allow for multi-generational housing, as well as smaller units for families without children living at home.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

Based on the comprehensive plan, staff **recommends approval** of the text amendment. The following supports this recommendation:

- Permitting duplex dwellings in high density areas will allow for a more efficient utilization of City infrastructure and services.

Planning District

All

Development Type

All

Nathan Page

From: Kristin Foust <kfoust@mcphersongrading.com>
Sent: Wednesday, May 30, 2018 11:36 AM
To: Nathan Page
Subject: Washington Street
Attachments: 2018-40-Foust Sketch-20180522.pdf; 12-006 Duplex-Elevations.pdf

Nathan,

Please see attached sketch for our proposal to parcels 135148 and 135149. We propose to divide these 2 parcels into 4 to allow for 4 duplex units to be constructed. We would like to be added to the agenda on the next Planning Board meeting to ask the City to amend the development ordinance to require less standards for duplexes or remove the frontage and square footage requirements or to make the duplexes use by right in the R7 zone, as the property is currently zoned.

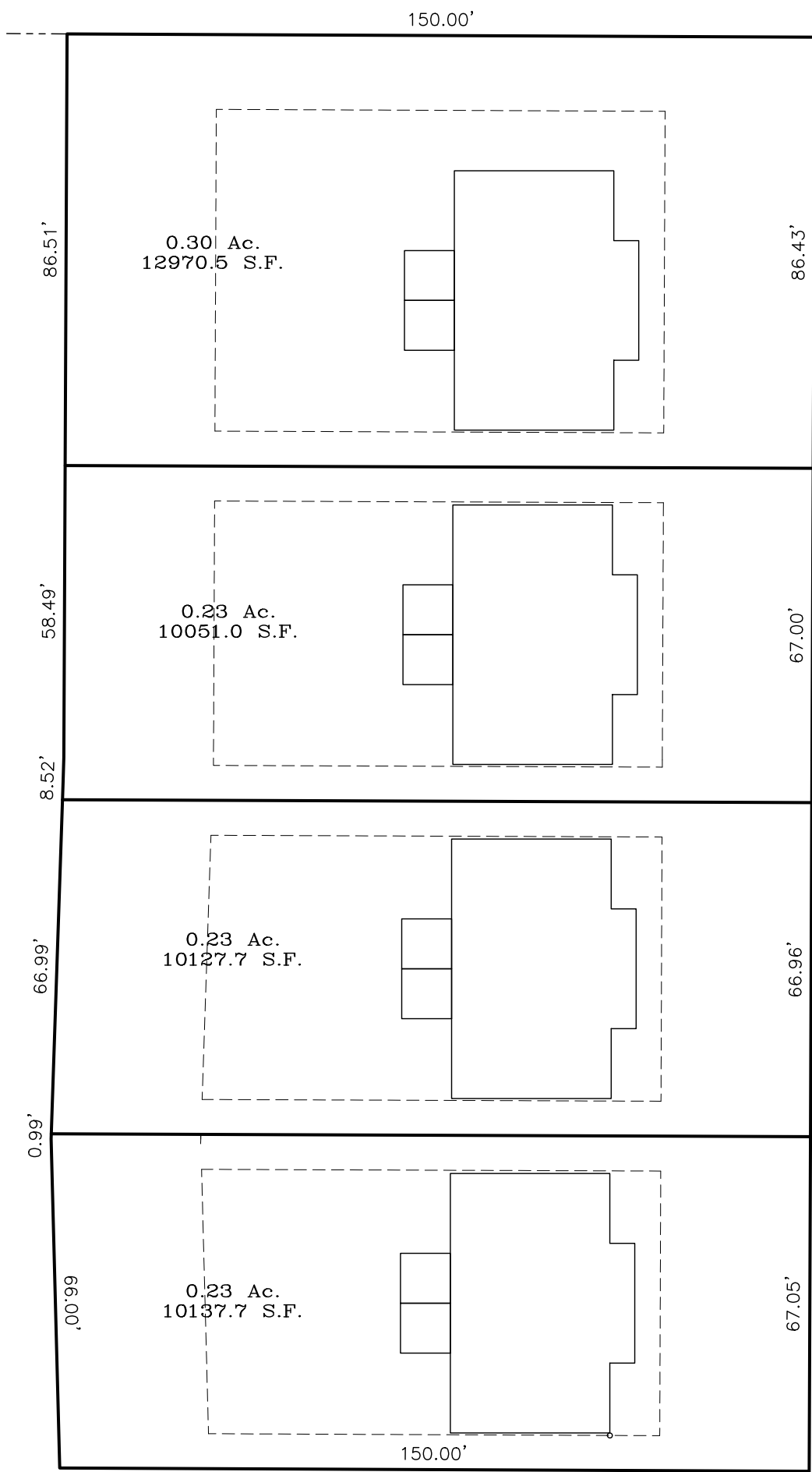
We currently own the duplex located at 307/309 Washington Street that is the same plan we propose to construct at this site.

Thank you

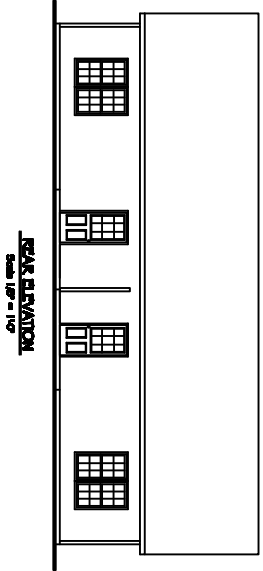
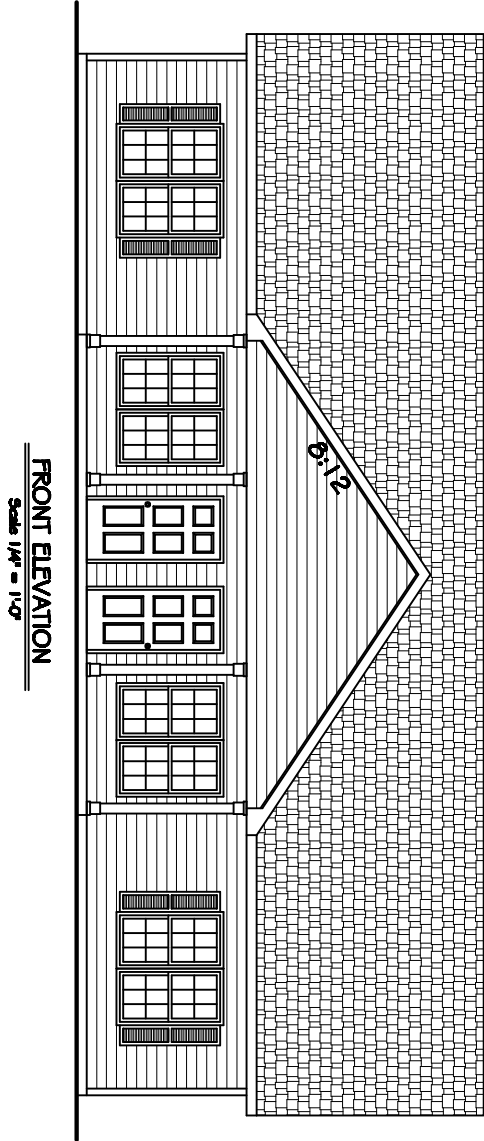
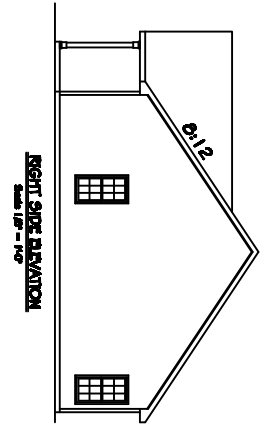
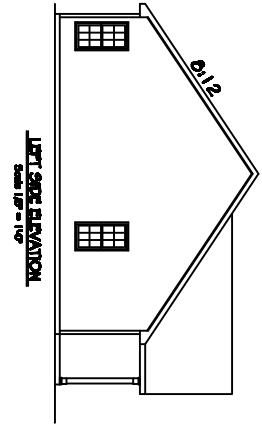
Kristin M. Foust

McPherson Grading Co.
2641 Russell McPherson Road
Burlington, NC 27215
Office 336-227-9231
Fax 336-221-1647
Mobile 336-516-5013

MARKET STREET



WASHINGTON STREET



CHRIS FOUST DUPLEX PLAN	
Scale: As Shown	Job #: 12-006
Date: 2-25-12	
Elevations	
Sheet 1 of 4	



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.

Duplex in High Density (AM1804)
Type of Request
Text Amendment
Meeting Dates
Planning Board on June 19, 2018
City Council on July 3, 2018

- I move to **recommend APPROVAL** of the application as presented.
- I move to **recommend APPROVAL** of the alternative language, as proposed by the Planning Board.
- 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 19th day of June, 2018.

Attest:



 Ricky Hall, Planning Board Chair

Debbie Jolly, 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.

Duplex in High Density (AM1804)
Type of Request
Text Amendment
Meeting Dates
Planning Board on June 19, 2018
City Council on July 3, 2018

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 3rd day of July, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

ABC Business (RZ1803)

Type of Request: Rezoning

Meeting Dates

Planning Board on June 19, 2018

City Council on July 3, 2018

Contact Information

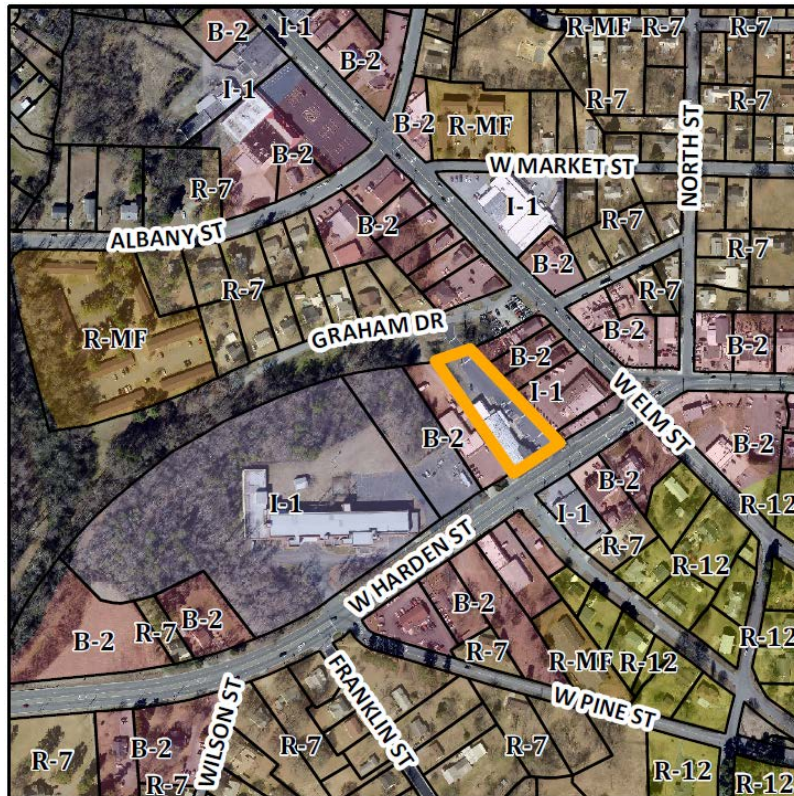
Larry Brooks

603 W Harden Street, Graham NC 27253

336-226-6882, larrybrooksabc@att.net

Summary

This property is surrounded by commercial properties, but does not have access to the residential street of Graham Drive via a driveway. This request is to rezone the whole property to B-2, to allow the current structure to come into conformity with the Development Ordinance, as well as to potentially allow for a future expansion with the zero-foot lot line requirements within B-2. The use of the property is not anticipated to change.



Location

603 W Harden St

GPIN: 8874846840

Current Zoning

Light Industrial (I-1)

Proposed Zoning

General Business (B-2)

Overlay District

N/A

Surrounding Zoning

B-2, I-1

Surrounding Land Uses

Vacant, Unified Business Development, Car Repair, Construction Offices

Size

0.9 acres

Public Water & Sewer

Connected

Floodplain

No

Staff Recommendation

Approval

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

Planning District: Mixed Use Commercial

Applicable Policies;

3.1.2 Safe Access to Businesses and Homes. Limit direct highway access or the number of curb cuts to commercial activities by directing development to proposed regional and village centers and requiring internal connectivity between commercial uses, uniformity in design standards, and rear alley access where feasible. *This property is located in a proposed community activity center.*

- **2.2.1 Focused Development.** In order to maintain Graham's affordability and promote growth, the City will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *Permitting this property to build to their property lines would facilitate the construction of infill development.*

Development Type

Mixed Use Commercial

Buildings located no further than 15 feet from the front lot line

3-5 story building heights

Sidewalks, small block lengths, on-street parking, transparent windows on >50% of front façade

A mix of uses is desirable, including retail, commercial, office, multifamily residential, and institutional uses

Built to a human scale

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. *This parcel is already being used for a commercial purpose.*
- **2.4.2 Promote Industrial Redevelopment.** Encourage reinvestment and intensification at existing industrial sites. Encourage redevelopment of existing buildings and infrastructure for industrial growth. *The rezoning would permit intensification at an existing site.*

Staff Recommendation

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

- Rezoning of the site will permit the property to come into conformance with the zoning code, and will allow more flexibility for future expansions.



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: 603 W Harden St.
Tax Map#: 134742 GPIN: 8874846840
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: ABC Store
Total Site Acres: 0.9
Property Owner: Alamance Municipal Board
Mailing Address: 603 W Harden St
City, State, Zip: Graham NC 27253

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 Rezonings*, 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:

To change setback requirements from I-1 to B-2.

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: Larry Brooks
Mailing Address: 603 W Harden St
City, State, Zip: Graham NC 27253
Phone # (336) 226-6882
Email: larrybrooksabc@att.net

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

For Conditional Rezonings, 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 Rezonings

Larry C Brooks 5.22.2018
Signature of Applicant Date

Office Use Only. DEVID# RZ1803



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.

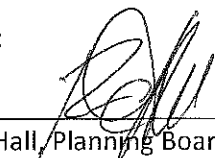
603 W Harden St. (RZ1803)
Type of Request
Rezoning
Meeting Dates
Planning Board on June 19, 2018
City Council on July 3, 2018

- 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:

This report reflects the recommendation of the Planning Board, this the 19th day of June, 2018.

Attest:


Ricky Hall, Planning Board Chairman

Debbie Jolly, 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.

603 W Harden Street (RZ1803)

Type of Request

Rezoning

Meeting Dates

Planning Board on June 19, 2018
City Council on July 3, 2018

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 3rd day of July, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

I make a motion to go into Closed Session to Consider the Performance of the City Manager and City Attorney Pursuant to the Terms of *N.C.G.S. §. 143-318-11 (a) (6)*.