



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

1. Honorary Presentations:

- Appearance Commission Annual Update – Vanessa Coble, Appearance Commission Chair
- 2017 World Tour - Darryl Peebles

2. Consent Agenda:

- a. Approval of Minutes – August 7, 2018 Regular Session
- b. Tax Releases & Refunds
- c. Resolution Approving the City of Graham Water Shortage Response Plan
- d. Approve Alamance County Veterans Organization’s request to close the 100 block of East Elm Street from 8:00a.m.-7:00p.m. on Saturday, November 10, 2018 for a Veterans Day Festival, pending a meeting with the City Manager prior to the event and receipt of certificate of liability insurance listing City of Graham as addition insured
- e. Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution System Asset Inventory and Assessment
- f. Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment

3. Old Business:

- a. Public Hearing: Rogers Shugart (RZ1804). Request from Shugart Enterprises, LLC to rezone property located on Rogers Road from Residential Low Density R-18 to Residential High Density R-9 (GPIN 8872986536, 8873900485)
- b. Public Hearing: Approve Resolution Ordering Closure of Unopened Portion of East Parker Street
- c. Public Hearing: Petition for Voluntary Non-Contiguous Annexation for a portion (69.781 acres) of a parcel on Governor Scott Farm Road GPIN 9803085096 (AN1802)
 - i. Approve Annexation Ordinance

4. Recommendations from Planning Board:

- a. Public Hearing: Rogers’ Springs (S1801). Request from Greg Garrett, Shugart Enterprises, LLC to create a new major subdivision on approximately 106 acres for 178 new lots (GPIN 8872986536, 8873900485)
- b. Public Hearing: Gov. Scott Farm Road (RZ1805). Request from William Seymour to initiate zoning upon property located at Gov. Scott Farm Road, Sen. Ralph Scott Road and Kimrey Road (GPIN 9803085096)
- c. Public Hearing: Elm Street CBD (RZ1806). Request from Haywood Simpson to rezone property located at 206 East Elm Street and 200 East Elm Street from B-2 General Business to B-1 Central Business (GPIN 8884243495, 8884242495)
- d. Public Hearing: Home Occupation in CZ (AM1806). Request by Kevin Ingold to amend the Development Ordinance, Article IV, Division 6, Section 10.135 to permit Home Occupations within our Conditionally zoned residential areas
- e. Public Hearing: Life Counseling (AM1805). Request from William Hughes to permit Life Counseling to occur within the B-1 District
- f. Public Hearing: Manufactured and Mobile Units in the Overlay (AM1807). Request by Tony Holt to amend the Development Ordinance to permit manufactured or mobile units to be used as office space for property located at 327 East Elm Street

5. Issues Not on Tonight’s Agenda

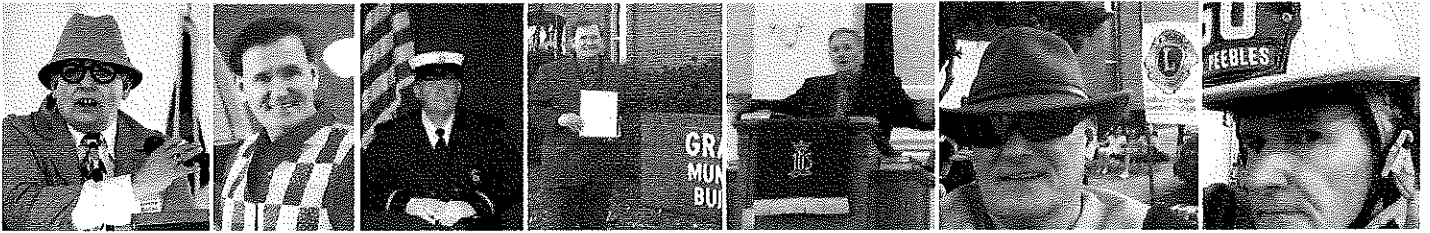
LINK THE WORLD WITH LOVE THROUGH SERVICE

2017 WORLD TOUR

Darryl R. Peebles

Graham, North Carolina, USA

Lions Club Officer, Community Leader, Firefighter, Faith Leader, Entertainer



LONDON + PEEBLES + EDINBURGH+ PARIS + LUXEMBOURG + FRANKFURT +
DUSSELDORF + COLOGNE + BRUSSELS + AMSTERDAM + ANTHENS + ROME +
BOLOGNA + VENICE + MILAN + FLORENCE + SINGAPORE+ MELBOURNE +
SYDNEY + HOBART + HONOLULU

Darryl Peebles spent over two years organizing an effort to deliver an award of gratitude and honor to organizations and individuals who serve their communities. The Alamance County Lions Club, the Graham Fire Department, the Graham Mayor's office, and Historic Providence Christian Church agreed to share in this tribute around the world. The World Tour was designed not only to entertain and encourage, but also to show appreciation and to point out how similar we are in terms of service. This tour was implemented from September 18 through November 18 in 2017. It covered four continents, twelve nations, thirty-six cities, and one hundred fifty-six presentations in sixty-three days.

This global undertaking could not have been achieved without the cooperation of so many people both here and around the world. The presentations tonight are given with gratitude to the Mayor of Graham representing the City of Graham, the Graham Fire Chief representing the Graham Fire Department, the Lion President representing the Alamance County Lions Club, and the 2017 Deacon Chair representing the Historic Providence Christian Church. Their cooperation was essential to the success of this global tribute.

FOR MORE INFORMATION ABOUT THE TOUR:

<https://darrylpeebles.com/2017-world-tour-completed/>

<https://darrylpeebles.com/a-brief-look-at-lions-on-world-tour/>

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

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, August 7, 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
Alexa Powell, City Planner
Jeff Prichard, Police Chief

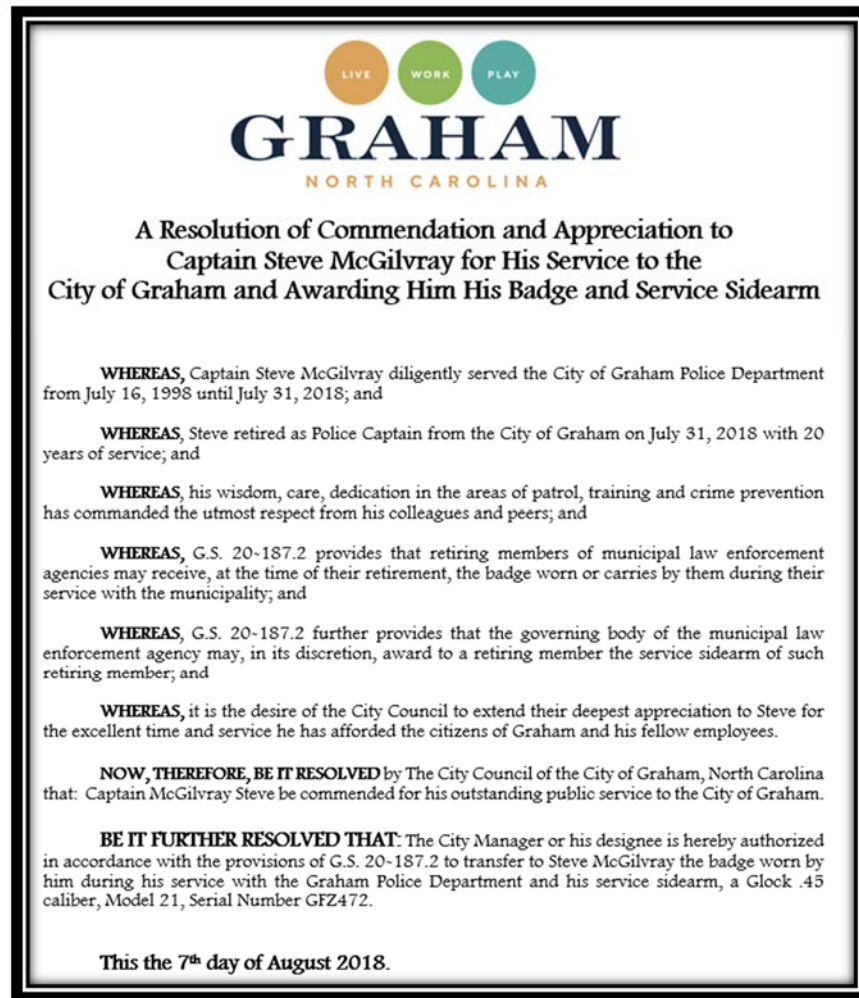
Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. *Approval of Minutes – July 3, 2018*
- b. *Tax Releases*

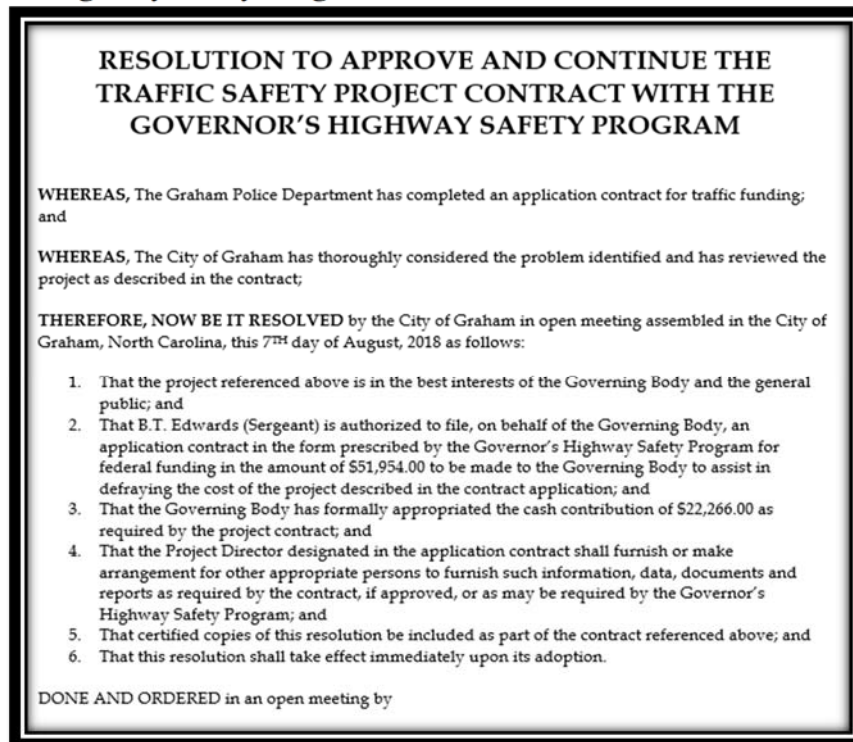
CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST COUNCIL MEETING				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
560935	2014 - 2017	PIERSON, DIANA NASH	MOVED OUT OF STATE - BOAT/MOTOR	184.02
664089	2017	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,095.76
664089	2018	TAYLORS ZINN ENTERPRISES INC	LISTING AMENDED	1,096.85

- c. *Tax Collector Year End Report*
- d. *2017 Outstanding Tax Listing*
- e. *Approve Resolution of Commendation and Appreciation to Captain Steve McGilvray for his service to the City of Graham and Awarding him his Badge and Service Sidarm*

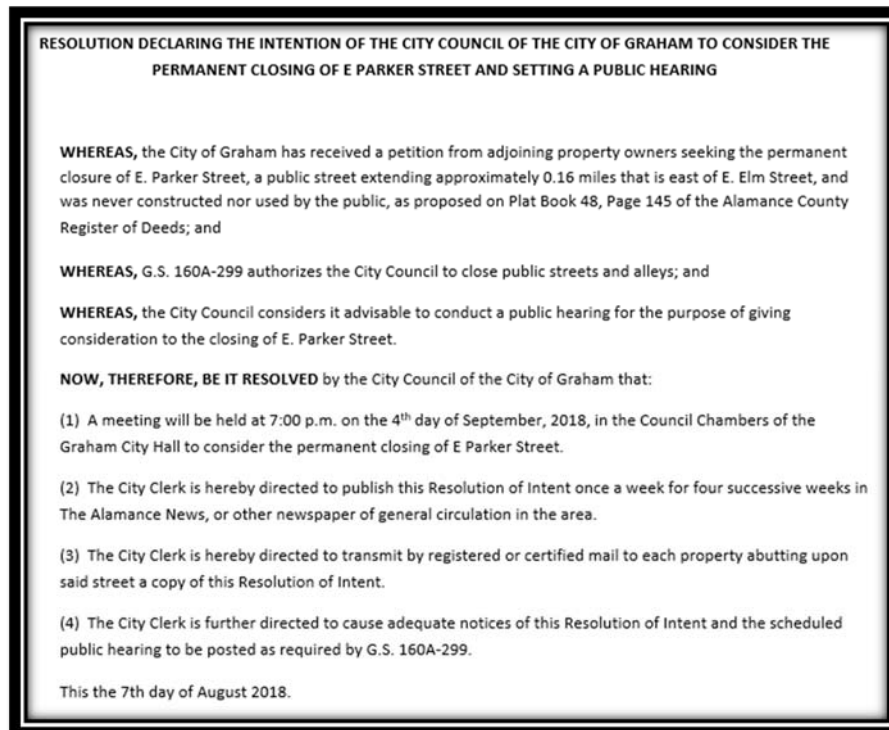


- f. Appoint Allene Massengill to the Historical Museum Advisory Board with term to expire June 30, 2019*
- g. Approve request from Jennifer Talley to close the 100 block of East Elm Street on Friday, September 14, 2018 from 6:00 p.m. until 5:00 p.m. on Sunday, September 16, 2018 for the Downtown Graham DockDogs Festival, pending receipt of a certificate of liability insurance prior to the event*
- h. Approve request from The Exchange Club's Family Center in Alamance County to close the Ward Parking Lot located at the corner of Harden Street and Maple Street from 8:00 a.m. – 12:00 p.m. on Saturday, August 25, 2018 for a "Stuff for Success" event, pending receipt of a certificate of liability insurance prior to the event*
- i. Approve Resolution amending contact information for the North Carolina Alcoholic Beverage Control Commission*

l. Approve Resolution for Continuation of the Dedicated Traffic Enforcement Unit with the Governor's Highway Safety Program



m. Approve Resolution authorizing the process to begin closure of an unconstructed portion of East Parker Street



n. Petition for Voluntary Non-Contiguous Annexation for a portion (69.781 acres) of a parcel on Governor Scott Farm Road GPIN#9803085096 (AN1802):

- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency***
- ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation***

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR A 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on July 11, 2018, by the Graham City Council; and

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

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

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

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

**RESOLUTION FIXING DATE OF PUBLIC HEARING
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31
FOR A 69.781 ACRE PARCEL ON GOVERNOR SCOTT FARM ROAD (AN1802)**

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

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC at 7:00 pm on September 4, 2018.

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

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

BEING A 69.781 TRACT OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF KIMREY ROAD (S.R. 2125) AND GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF LOT 2 AS DESCRIBED IN MAP BOOK 77, PAGE 155, ALAMANCE COUNTY REGISTRY (HENCE ACR), AND BEING A PORTION OF TAX ID: 172761 SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00:

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A FOUND CONCRETE MONUMENT, HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 838,915.28 AND EAST 1,900,385.63, ON THE SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY, A 60' RIGHT OF WAY PER MAP BOOK 77, PAGE 248, AND BEING THE NORTHWESTERN MOST CORNER OF THAT LIDL US OPERATIONS, LLC TRACT AS DESCRIBED IN DEED BOOK 3489, PAGE 373 AND BEING FURTHER KNOWN AS LOT 1A PER MAP BOOK 77, PAGE 155, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, DEPARTING SAID RIGHT OF WAY OF SENATOR RALPH SCOTT PARKWAY AND RUNNING WITH THE WESTERLY LINE OF SAID LIDL US OPERATIONS, LLC TRACT, S 40°23'47" E, 2,423.69 FEET TO A FOUND CONCRETE MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD THE FOLLOWING SEVEN (7) COURSES

1. S 70°07'55" W, 168.33 FEET TO A FOUND CONCRETE MONUMENT;
2. S 70°26'57" W, 235.26 FEET TO A CALCULATED POINT;
3. S 70°41'04" W, 300.01 FEET TO A CALCULATED POINT;
4. S 70°24'37" W, 300.07 FEET TO A CALCULATED POINT;
5. S 70°24'57" W, 300.00 FEET TO A CALCULATED POINT;
6. S 70°25'39" W, 200.75 FEET TO A CALCULATED POINT;
7. S 67°28'19" W, 66.64 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD AND THE EASTERLY RIGHT OF WAY LINE



Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull items "e", "i", "m" and "n". Council Member Melody Wiggins asked to pull items "g" and "h". Council Member Chip Turner made a motion to approve items "a", "b", "c", "d", "f", "j", "k" and "l". Council Member Griffin McClure seconded the motion and all voted in favor of the motion.

Following a personal thank you to Captain Steve McGilvray for his service to the City of Graham, Mayor Pro Tem Kimrey motioned to approve item "e", seconded by Council Member Turner. All voted in favor of the motion.

Council Member Wiggins advised that City staff is currently working on a new policy for City approved events which will include a planning meeting with event organizers and the City Manager prior to the event. She added that she would like to see such meeting with items "g" and "h". Council Member Wiggins made a motion to approve items "g" and "h" with the additional language: one planning meeting with the City Manager prior to the event, seconded by Council Member McClure. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff who is currently listed as the contact person with regards to item "i". City Clerk Darcy Sperry advised that former Police Chief Johnny Wehunt is the contact on file. Mayor Pro Tem Kimrey asked Police Chief Jeff Prichard if he has ever had to testify in front of the Alcohol Beverage Commission. Chief Prichard advised that he has not. Mayor Pro Tem Lee Kimrey made a motion to approve item "i", seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if any consideration about installing a cul-de-sac at the end of the stub road included in item “m”. Planning Director Nathan Page stated that it has not come up in any discussion. Mayor Pro Tem Kimrey also asked about notifications to adjoining property owners. Mr. Page advised that if this item is approved, notification will be sent to adjoining property owners as well as the requirement to publicize the street closure for a period of four weeks prior to Council taking action to officially close the street. Mayor Pro Tem Kimrey made a motion to approve item “m”, seconded by Council Member Wiggins. All voted in favor of the motion.

Mayor Pro Tem Kimrey asked staff if we know what the property owner might have planned for the property referred to in item “n”. City Manager Frankie Maness stated that no plans have been received by the City thus far, but added that it may be a warehouse that is industrial in nature. Council Member Turner motioned to approve item “n”, seconded by Council Member McClure. All voted in favor of the motion.

Old Business:

a. Second Reading: Temporary Outdoor Sales Ordinance

Assistant City Manager Aaron Holland explained that City Council approved a text amendment at the 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 5, 2018 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 3, 2018. An amendment to the text was proposed at the July 3rd meeting from Council to increase the distance requirement from 25ft. to 50ft from a structure of a similar establishment. Council voted 3-2 in favor of this proposed ordinance and a second reading was scheduled for tonight.

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

Mayor Pro Tem Kimrey 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 as attached. He stated that if this proves to not be a good fit for the City, it can always be modified in the future. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins and Council Member McClure. Nays: Mayor Peterman and Council Member Turner. Motion carried 3:2.

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 50 feet from structure of a similar establishment. This restriction shall not apply to the property owner.

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).

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

Planning Director Nathan Page reminded Council that Chelsea Dickey 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, for example, a commercial vendor would be permitted on a B-2 lot but not on an R-7 lot.

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

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

c. 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

Mr. Page explained that this application seeks to amend our Table of Permitted Uses located in the Development Ordinance. The request is to allow duplexes as a use by right in our high residential zones (R-7).

Following a general discussion between Council Members and staff about the overall effect of density in various residentially zoned districts, Mayor Peterman opened the Public Hearing.

Ms. Kristen Foust of 1851 South Main Street Graham stepped forward to address Council. She advised that she had recently purchased the two parcels in question and in an effort to revitalize the properties, she believes that her proposed plans are consistent with The Graham 2035 Comprehensive Plan.

Mr. Ricky Hall of 2501 Pepperstone Drive Graham stepped forward and expressed concern with fire separation in duplex dwellings.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Mayor Pro Tem Kimrey made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: It will allow for more efficient utilization of City infrastructure and services. Council Member Wiggins seconded the motion. Ayes: Mayor Pro Tem Kimrey, Council Member Wiggins, Mayor Peterman and Council Member McClure. Nays: Council Member Turner. Motion carried 4:1.

Requests & Petitions from Citizens:

a. Haw River Assembly – Resolution to Oppose the Proposed Mountain Valley Pipeline Southgate Extension in Alamance County

Ms. Emily Sutton of 2602 Saxapahaw Bethlehem Church Road Graham stepped forward representing the Haw River Assembly. She showed Council a power point presentation and encouraged Council to oppose the proposed Mountain Valley Pipeline. Following the presentation, Mayor Peterman thanked Ms. Sutton and stated that Council will wait for the County Commissioners to take action before this Council will consider taking action.

Recommendation from Planning Board:

- a. **Public Hearing: Rogers Shugart (RZ1804). Request from Shugart Enterprises, LLC to rezone property located on Rogers Road from Residential Low Density R-18 to Residential High Density R-9***

Mr. Page advised that the Planning Board tabled this request and asked Council to do the same. Mayor Peterman opened the Public Hearing and Council Member Wiggins made a motion to continue the Public Hearing to next month. Council Member Turner seconded the motion and all voted in favor of the motion.

- b. **Public Hearing: McAden Business (RZ1802). Request from Curt McVey to rezone property located at 204 E. McAden Street from High Density Residential (R-7) to Neighborhood Business (B-3) GPIN#8884223927***

Mr. Page explained this property is surrounded by residential properties and tax records indicate that the structure was built in 1950. This request is to rezone the property to B-3, to allow the current structure to be utilized as a professional office. He added that the prior use as an office was no longer permitted to continue as a nonconformity due to the facility being vacant for greater than 180 days.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Council Member Wiggins made a motion that the application be approved and that the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

- c. **Suggestion for Used Tire Ordinance***

Mr. Page explained that the Planning Board requested that the City Council consider following in the footsteps of Burlington and adopting a Used Tire Ordinance similar to theirs, should the outside storage of used tires become a problem in the future.

Following a brief discussion between Council Members and staff, Mayor Peterman asked staff to look into adding language that would strengthen our current nuisance ordinance pertaining to used tires.

Boards & Commissions Annual Updates:

- a. **Historic Resources Commission***

City Planner Alexa Powell, staff liaison to the Historic Resources Commission, presented Council with an update of several projects currently handled by this commission. Council Members thanked Ms. Powell and the commission for their efforts.

- b. **Historical Museum Advisory Board***

Council Member Wiggins, Council liaison to the Historical Museum Advisory Board, presented Council with an update of the revitalization project currently taking place at the museum. Council Members asked her to relay a job well done to the current members of this board.

Approve Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall

City Manager Frankie Maness explained that the Old Fields Subdivision along Cherry Lane has an approved development plan that includes 755 dwelling units and various pods for nonresidential uses. To date, less than 50 of the dwelling units are constructed and further development is restricted due to the lack of collection system capacity. Current development within Old Fields is served by a small lift station that was originally permitted as a temporary solution for the initial phases of development only. Mr. Maness requested that Council authorize him to enter into an agreement with the developer to share in the cost for the outfall, anticipated to cost the City approximately \$400,000.

Following a brief discussion between Council Members, it was determined that anytime you have a developer who is willing to fund two-thirds of a project of this magnitude, we need to take advantage of such an agreement.

Council Member McClure made a motion to approve the Resolution Authorizing the City Manager to enter into a Development Agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall, seconded by Council Member Turner. All voted in favor of the motion.

RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH KG PLAZA, LLC FOR THE CONSTRUCTION OF A PORTION OF THE BACK CREEK SEWER OUTFALL

WHEREAS, On November 14, 2011, the City approved a revised Master Development plan for Old Fields subdivision, containing 755 dwelling units that specified the installation of a permanent gravity sewer solution to serve Old Fields that could be extended in the future to eliminate the City's Back Creek No.1 sanitary sewer lift station; and

WHEREAS, The City constructed the Cherry Lane Regional Pump Station in 2006 to accept and convey the waste water from Old Fields and other lands directly to the City of Graham Waste Water Treatment Plant; and

WHEREAS, At the time of the approvals and platting of the currently developed property, improvement permits were granted to certain lots. The approval of these lots were based on sewer service being provided by an on-site "temporary" sanitary sewer lift station installed by the previous owner; and

WHEREAS, This Temporary Station is now operated and maintained by the City of Graham and discharges to Back Creek No. 1 Lift Station. The Temporary Station is limited in capacity to the property that is currently developed and platted and Back Creek No.1 is limited to receiving sewer flow from 200 total lots in the Old Fields Subdivision; and

WHEREAS, In order for the temporary station to receive a total of 200 lots from Old Fields Subdivision, the Temporary Station would require upgrading at an estimated cost of approximately \$300,000; and

WHEREAS, In order to receive any additional sewer flow from more than 200 lots in the Old Fields Subdivision, an upgrade to the Temporary Station with an estimated cost of approximately \$850,000 would be required to divert the sewer flow to Cherry Lane Regional Pump Station. In addition, the Temporary Station would become a permanent pump station maintained by the City and the ability to remove Back Creek No. 1 from service would not be possible as part of the Old Fields Subdivision; and

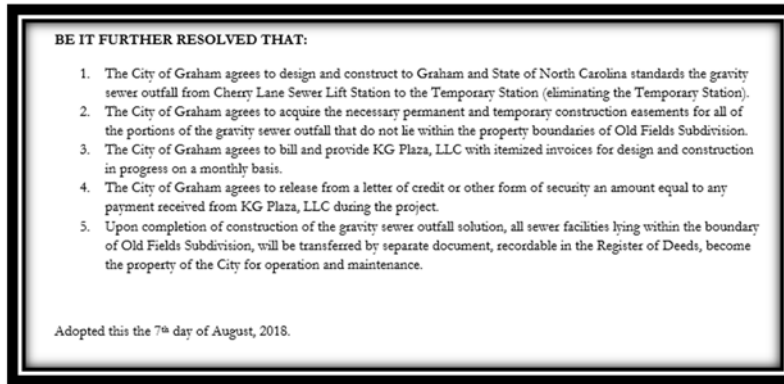
WHEREAS, Spending public or private dollars for the upgrading of the Temporary Station merely postpones the inevitable necessity for a permanent solution to the gravity flow of sewer services from the Old Fields Subdivision; and

WHEREAS, KG Plaza, LLC, owner of Old Fields, desires to enter into an agreement to reach a permanent solution for the complete gravity flow of the sewer to the Cherry Lane Pump Station, which eliminates the Temporary Station and affords the City the opportunity to eliminate Back Creek No. 1 and expand sewer service to additional lands.

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

The City Manager is authorized to enter into a development agreement with KG Plaza, LLC for the construction of a portion of the Back Creek sewer outfall. The development agreement shall include assurances that:

1. KG Plaza, LLC shall provide a cash bond, letter of credit or other form of security in the amount of \$800,000 to the benefit of the City to Graham prior to the design and construction of a gravity sewer outfall from Cherry Lane Sewer Lift Station to the Temporary Station (eliminating the Temporary Station);
2. KG Plaza, LLC shall design and construct additional phased on-site 8" public sewer improvements to allow for future connection by adjacent upstream property with an approximate elevation of 530 feet with 150,000 gallons per day capacity and serving approximately 150 acres of new development;
3. KG Plaza, LLC shall provide, without charge, the permanent and temporary construction easements within the Old Fields Subdivision, for the outfall extension that would eliminate Back Creek No. 1 and agree to provide these permanent and temporary easements without charge for future connection to the upstream property;
4. KG Plaza, LLC shall be responsible for 2/3rds (two-thirds) of the total cost of the gravity sewer outfall, up to \$800,000.
5. KG Plaza, LLC shall reimburse the City for 2/3rds (two-thirds) of the cost of the gravity sewer outfall project in progress as requested by the City, up to \$800,000 and occurring at no greater frequency than monthly.



Issues Not on Tonight's Agenda:

City Attorney advised that this is the last week that the City's Legal Intern Aaron Harris, would work for the City. Mr. Harris thanked the City and stated he enjoyed his time here.

City Clerk Darcy Sperry advised those Council Members that are required to complete ethics training that she would be sending out a Doodle Poll in an effort to select a date that works for everyone.

Mr. Maness recognized Administrative Intern Darby Terrell and advised that this would be her last week to work as well. Ms. Terrell thanked everyone and stated she has enjoyed working here.

Council Member McClure invited anyone to come forward that wanted a chance to speak on the Mountain Valley Southgate Project discussed earlier. Mr. David Naylor of 1523 Jimmie Kerr Road Haw River stepped forward and expressed his concern with the pipeline.

Mayor Pro Tem Kimrey asked staff if there has been any progress on the hiring of a new Downtown Economic Development position. Staff advised that interviews have commenced and we anticipate having someone hired in the next couple of weeks.

Mayor Peterman asked Police Chief Prichard to relay a well done to Captain Steve McGilvray on his behalf.

At 8:40 p.m. Mayor Pro Tem Kimrey made a motion to adjourn, seconded by Council Member Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
REFUNDS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
43716	2018	BIGGS, DANIEL G.	QUALIFIED FOR DISABLED VETERANS EXEMPTION	204.75

TOTAL REFUNDS ***204.75***

**CITY OF GRAHAM
RELEASE ACCOUNTS**

SEPTEMBER COUNCIL MEETING

<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
496781	2007-2017	SELLARS, JOHN DANIEL	PRIOR YEAR TAXES RELEASED-FORECLOSURE	1,804.09
21368	2018	LONG, PAUL R & GAYE G	DO NOT LIVE IN THE CITY LIMITS OF GRAHAM	40.04
134868	2018	DUDLEY, RICHARD EUGENE	DO NOT LIVE IN THE CITY LIMITS OF GRAHAM	1.33
674359	2018	VERITY RECYCLING LLC	RECYCLING EQUIPMENT EXEMPT	593.78
160499	2018	RHONE, BOBBY GENTRY	QUALIFIED FOR HOMESTEAD EXEMPTION	293.84
638951	2018	WRIGHT, GERALD	QUALIFIED FOR DISABLED VETERAN	204.75
654706	2018	CHESTER, MICHAEL	QUALIFIED FOR HOMESTEAD EXEMPTION	211.11
665318	2018	GRAHAM CHURCH OF GOD PROPHEC	CHURCH PROPERTY-EXEMPTION REMOVED IN ERROR	516.55

TOTAL RELEASES **3665.49**



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	RESOLUTION APPROVING THE CITY OF GRAHAM WATER SHORTAGE RESPONSE PLAN
PREPARED BY:	TONYA MANN, UTILITIES DIRECTOR

REQUESTED ACTION:

Approve the Resolution for the City's Water Shortage Response Plan.

BACKGROUND/SUMMARY:

The City's Water Shortage Response Plan (WSRP) must be submitted and reviewed by North Carolina Department of Environmental Quality (NCDEQ) every five years. The plan provides appropriate guidance for the future management of water supplies for the City of Graham. The plan was reviewed by staff and submitted to NCDEQ with an update to reflect the name of the current City Manager. NCDEQ has reviewed the updated WSRP and it meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E.0607. In order for the WSRP to be considered compliant with the requirements of NCGS 143-355 (1) it must be adopted by City Council.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Resolution adopting the City of Graham Water Shortage Response Plan in accordance with the requirements of NCGS 143-355 (1).

**RESOLUTION APPROVING THE CITY OF GRAHAM WATER SHORTAGE
RESPONSE PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Water Shortage Response Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Water Shortage Response Plan for the City of Graham, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Water Shortage Response Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Graham, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Graham that the Water Shortage Response Plan entitled, Water Shortage Response Plan dated June 2009, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 4th day of September, 2018.

Jerry Peterman, Mayor

ATTEST:

August 7, 2018

Frankie Maness, City Manager
Graham
P.O. Drawer 357
Graham, NC 27253

Subject: WSRP Meets Minimum Criteria

Graham
PWSID#: 02-01-015
Alamance County

Dear Frankie Maness,

This letter is to notify you that our staff has reviewed the information contained in the Water Shortage Response Plan (WSRP) update submitted by your office. Since all the required information is complete, the WSRP for the Graham water system hereby meets the minimum criteria established in North Carolina General Statute 143-355.2 (a) and 15A NCAC 02E. 0607.

The Water Shortage Response Plan must next be adopted by your water system's governing board; a model WSRP resolution is available online on the right side of the page in the Forms and Docs section at: http://www.ncwater.org/Water_Supply_Planning/Water_Shortage_Response_Plans/learn. Once adopted, a copy of the signed resolution must be submitted to Linwood Peele, Water Supply Planning Branch Supervisor, at the address printed at the bottom of this letter. Please note, the WSRP cannot be considered compliant with the requirements of NCGS 143-355(1) until an adopted resolution is received by the Division.

Please be advised that the review process for Water Shortage Response Plans is separate from the review process for your Local Water Supply Plan (LWSP). If you have submitted your LWSP but haven't already been contacted by the Division, you will receive notification as soon as the review of your LWSP is complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Klaus Albertin at klaus.albertin@ncdenr.gov or (919)707-9035, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

Linwood E. Peele, Supervisor
Division of Water Resources, NCDEQ

Water Shortage Response Plan
City of Graham, North Carolina
June 2009
(Revised 3/31/2010, reviewed 4/23/2018)

The procedures herein are written to reduce potable water demand and supplement existing drinking water whenever they are in danger of being inadequate to meet customer needs.

I. Authorization

The Graham City Manager is authorized by City Ordinance Section 13-47 to enact water shortage response provisions and will enact these measures whenever the trigger conditions outlined in Section 13-49 of the Ordinance are met. In his absence, the Acting City Manager will be authorized to enact the needed measures.

Mr. Frankie Maness, City Manager
Phone: 336-570-6700
E-mail: fmaness@cityofgraham.com

II. Notification

Section 13-47 of the Ordinance states that notification is made by Public Proclamation. The following notification methods will be used to inform city employees and customers of a water shortage declaration: employee e-mail announcements, notices at municipal buildings, notice in water bills and on the City of Graham website homepage. Required water shortage response measures will be communicated through The Times News and/or The Alamance News, Public Service Announcements on local radio and cable stations and on the City of Graham website.

III. Levels of Response

There are five levels of water shortage response. Level of severity is determined by specific measurements as outlined in Section 13-48 of the Ordinance. The five levels of water shortage response are: Stage 1 voluntary reductions, Stage 2 & 3 mandatory reductions, Stage 4 emergency reductions and Stage 5 water rationing. Detail descriptions of each response level and corresponding water reduction measures are outlined in Section 13-49 of the Ordinance. The restrictive measures in effect at each stage are as follows:

- (a) In the event the usable water storage of the Graham-Mebane Lake declines to a level of one hundred fifty (150) days a "**Voluntary Conservation Stage I**" may be declared in effect, and the following voluntary water restrictions imposed:
- (1) An extensive publicity campaign will be initiated using public media and specialized methods to inform the public of an impending water shortage.
 - (2) Residential conservation measures will be encouraged and recommended including the following:
 - a. Use shower for bathing rather than bathtub and limit shower to no more than four (4) minutes.
 - b. Limit flushing of toilets by multiple use.
 - c. Do not leave faucets running while brushing teeth, shaving or rinsing dishes.
 - d. Limit use of clothes washers and dishwashers and when used, operate fully loaded.
 - e. Limit lawn water to that which is necessary for plants to survive.
 - f. Water shrubbery the minimum required, reusing household water when possible.
 - g. Limit car washing to the minimum.
 - h. Do not wash down the outside areas such as sidewalks, patios, etc.
 - i. Install water flow restrictive devices in shower heads.
 - j. Use disposable and biodegradable dishes.
 - k. Install water saving devices such as a water filled plastic bottle or commercial units in toilet tanks.
 - l. Limit hours of operation of water-cooled air conditioners.
 - (3) It is recommended that water supply line pressure reducing valves be set to the minimum necessary for effective operations of fixtures and equipment.
 - (4) Conservation in public buildings, institutions, dormitories, etc. is encouraged by reducing pressure at plumbing fixtures, by installation of restricting devices and shutting down on water flow control devices, and by only

periodic flushing of urinals.

- (5) All residents, businesses and institutions are requested to temporarily delay new landscape work until the water shortage has ended.
- (b) In the event the usable water storage of Graham-Mebane Lake declines to the level of one hundred twenty (120) days a "**Mandatory Stage II**" may be declared in effect, and in addition to the restrictions heretofore imposed, the following moderate mandatory water restrictions shall be in effect. It shall be unlawful to use water from the public water system supplied by the city for the following purposes:
- (1) To water lawns, grass, shrubbery, trees, flower and vegetable gardens except on Saturday between the hours of 6:00 a.m. and 9:00 a.m.
 - (2) To fill newly constructed swimming and/or wading pools or refill swimming and/or wading pools which have been drained. A minimal amount of water may be added to maintain continued operation of pools which are in operation at the time the provisions of a "Mandatory Stage II" are placed into effect.
 - (3) To operate water-cooled air conditioners or other equipment that does not recycle cooling water, except when health and safety are adversely affected.
 - (4) To wash automobiles, trucks, trailers, boats, airplanes, or any other type of mobile equipment, including commercial washing.
 - (5) To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings, exteriors of existing or newly constructed homes or apartments, sidewalks, or patios, or to use water for other similar purposes.
 - (6) To operate or introduce water into any ornamental fountain pool or pond or other structure making similar use of water.
 - (7) To serve drinking water in restaurants, cafeterias, or other food establishment, except upon request.
 - (8) To use water from public or private fire hydrants for any purpose other than fire suppression or other public emergency.
 - (9) To use water for dust control or compaction.
 - (10) To use water for any unnecessary purpose or to intentionally waste water.

- (c) In the event the usable water storage of the Graham-Mebane Lake declines to the level of ninety (90) days a "**Mandatory Stage III**" may be declared to exist, and in addition to the restrictions heretofore imposed, the following severe mandatory water restrictions shall be in effect. It shall be unlawful:
- (1) To water or sprinkle any lawn.
 - (2) To water any vegetable garden ornamental shrubs except during the hours of 6:00 a.m. to 9:00 a.m. on Saturday. Such watering is only to be done by handheld hose or container or drip irrigation system.
 - (3) To make any non-essential use of water for commercial or public use, and the use of single service plates and utensils is encouraged and recommended in restaurants.
- (d) In the event the usable water storage of the Graham-Mebane Lake declines to the level of sixty (60) days a "**Emergency Stage IV**" may be declared to exist and in addition to the restrictions heretofore imposed, the following stringent mandatory water restrictions shall be in effect. It shall be unlawful:
- (1) To use water outside a structure for any use other than an emergency use involving fire.
 - (2) To operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
 - (3) To introduce water into any swimming pool.
- (e) In the event the usable water storage of the Graham-Mebane Lake declines to the level of thirty (30) days a "**Rationing Stage V**" may be declared in effect, and a system of water rationing shall be put in effect in addition to all previously imposed restrictions. In the event of water rationing in which water will be supplied in the minimal quantities required for the health, welfare, and safety of the citizens in accordance with a program determined by the city.
- (1) It shall be unlawful to fail to act in accordance therewith or use water in any manner or attempt to evade or avoid such water rationing restrictions.
 - (2) Fire protection will be maintained, but where possible tank trucks shall use raw water.

IV. Triggers

The City of Graham's water source is the Graham-Mebane Lake. The severity of the water shortage shall be determined by the "usable water storage" of the Graham-Mebane lake as outlined above in (a), (b), (c), (d), and (e). Additionally, these triggers are outlined in Section 13-49 (a), (b), (c), (d), and (e) of the Water Shortage Ordinance. The five triggers are 150, 120, 90, 60, and 30 days of usable water storage respectively. Additionally, evaluation of these five triggers will determine the movement from more restrictive to less restrictive levels of conservation response based on current conditions and circumstances. When water shortage conditions have abated and the situation is returning to normal, water conservation measures employed during each phase should be decreased in reverse order of implementation. Permanent measures directed toward long-term monitoring and conservation should be implemented and continued so that the community will be in a better position to prevent shortages and respond to recurring water shortage conditions.

V. Enforcement

The provisions of the water shortage response plan will be enforced by the City of Graham Police Department. Users receive a warning for the first violation at any stage. Subsequent violations are subject to penalties as outlined in Section 13-50 (b) of the Ordinance which states:

Any person who shall fail to comply with this ordinance and with any of its requirements, shall be guilty of a Class 3 misdemeanor and shall be fined not more than five hundred dollars (\$500) as provided by North Carolina General Statutes, Section 14-4. Additionally, any violation of this section shall subject violators to a civil penalty in the amount of five hundred dollars (\$500) for each violation. Violators shall pay the penalty to the City within ten (10) days of receipt. The failure of such violators to pay the civil penalty within the specified time shall subject such violators to a civil action in the nature of debt to collect all penalties and costs for said violation, and any civil penalty not timely paid shall carry an additional late payment penalty of one hundred dollars (\$100). Repeated violations shall subject violators to separate, distinct and successive civil penalties and/or criminal citations.

VI. Public Comment

In addition to this Water Shortage Response Plan, Water Shortage Response for the City is a part of the City's Code of Ordinance. The City provides a public review and opportunity to comment at monthly council meetings prior to revision, approval and/or adoption by the City Council.

VII. Variance Protocols

All water use variance requests must be submitted to the City Manager. Within two weeks, the City Manager will make a decision to approve or deny individual variance request after consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose and the prevention of structural damage.

VIII. Effectiveness

The effectiveness of the Graham water shortage response plan will be determined by comparing the daily water use patterns as stated in Section 13-48 of the Ordinance with conservation stage imposed. The City developed a new Stage Storage Curve for the lake in 2008. A 20-year and 50-year model for safe yield was included with this project. Based on the total lake drainage area, the Days of Storage remaining can be determined by using this Safe Yield Calculator. Consideration is given to lake levels, available/usable storage on hand, draw-down rates, projected supply capability, outlook for precipitation, daily use patterns, and availability of water from other sources.

IX. Revision

The water shortage response plan will be reviewed and revised as needed to adapt to new circumstances affecting water supply and demand, following implementation of emergency restrictions, and at a minimum of every five years, as required by the provisions of G.S. 143-355 (l). The City of Graham Utilities Director is responsible for initiating subsequent revisions.



STAFF REPORT

SUBJECT:	STREET CLOSURE ON NOVEMBER 10, 2018 FOR VETERANS DAY FESTIVAL
PREPARED BY:	LT. DUANE FLOOD, POLICE DEPARTMENT

REQUESTED ACTION:

Approve the closure of E. Elm Street from 8 AM- 7 PM on November 10, 2018 for the Veterans Day Festival.

BACKGROUND/SUMMARY:

The Alamance County Veterans Organization requests the closure of the 100 block of E. Elm Street in downtown Graham on November 10, 2018 for a Veterans Day Festival. The requested closure E. Elm Street will begin at 8:00 am and re-open by 7:00pm.

Staff has spoken with affected business owners regarding the street closure. They have agreed to the closure of E. Elm Street from the Graham Soda Shop to the intersection of E. Elm St and Marshall St for the event. Several of the affected businesses are vendors and/or sponsors participating with the event.

This event runs in conjunction with the Annual Veterans Day Parade scheduled on this date at 10:00 am. This festival will include vendors, live music, military vehicles on display, and free food for all Veterans in attendance. This is a County sponsored event and the County is obtaining insurance for the parade and event this year as they have over the past couple of years for the Annual Veterans Day Parade.

FISCAL IMPACT:

There is no fiscal impact to the City of Graham in order to close the street.

STAFF RECOMMENDATION:

Staff recommends approval. The Veterans Parade has been a big success and this anticipated event has already gained a lot of public support. The anticipated number of participants for this event warrant the requested closure hours in order to provide a safe environment.

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE CLOSURE OF E. ELM STREET FROM 8:00 AM- 7:00 PM ON NOVEMBER 10, 2018 FOR THE VETERANS DAY FESTIVAL, PENDING A MEETING WITH THE CITY MANAGER PRIOR TO THE EVENT AND RECEIPT OF CERTIFICATE OF LIABILITY INSURANCE LISTING CITY OF GRAHAM AS ADDITION INSURED.

STAFF REPORT

GSUBJECT:	RESOLUTIONS AUTHORIZING APPLICATION FOR STATE GRANTS
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve Resolutions authorizing application for State grant assistance for water and sewer infrastructure inventory and assessment.

BACKGROUND/SUMMARY:

City Staff would again like to pursue funding opportunities made available through the State for grant and low/no interest loans for two (2) projects. The Council adopted these resolutions in September of 2016 and 2017 but the City was unsuccessful in securing funding at the time. The projects are outlined as follows:

- 1. Water Distribution System Asset Inventory and Assessment:** It is well known that the City's water infrastructure is aging and will need considerable resources for maintenance, repair and replacement for many years to come. The City lacks a comprehensive analysis of its distribution infrastructure to guide us. We again have an opportunity to apply for State funding assistance to engage in a study to inventory, analyze and prioritize the needs of our system. The results of the study will be particularly helpful in CIP programming, rate setting and maintenance operations.
- 2. Wastewater Collection System Asset Inventory and Assessment:** Like the City's water infrastructure, the City's sewer infrastructure is aging and many assets are believed to have exceeded their useful lives. Study results would provide the same benefits of assisting in CIP programming, rate setting and maintenance operations.

FISCAL IMPACT:

Mere application for funding has a negligible fiscal impact. If awarded and accepted, the 2 planning grants would require a 10% match which would be a maximum contribution of \$30,000 for both.

STAFF RECOMMENDATION:

Approval. Addressing the age and condition of the City's infrastructure is a top management priority and one that will garner much more attention in the coming years. Several projects are currently funded but significant investment is still required. Having a comprehensive analysis of what we have and its condition will assist in prioritization of projects and the allocation of resources. Adoption of the resolutions are preliminary steps in the competitive grant process.

SUGGESTED MOTION(S):

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

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

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

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

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

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

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

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

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

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

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

Adopted this the 4th day of September, 2018 at Graham City Hall, 201 South Main Street, Graham, North Carolina.

Jerry Peterman, Mayor

ATTEST:

CERTIFICATION BY RECORDING OFFICER

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

Darcy Sperry, City Clerk

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

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

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

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

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

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

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

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

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

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

Adopted this the 4th day of September, 2018 at Graham City Hall, 201 South Main Street, Graham, North Carolina.

Jerry Peterman, Mayor

ATTEST:

CERTIFICATION BY RECORDING OFFICER

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

Darcy Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Rogers Shugart (RZ1804)

Type of Request: Rezoning

Meeting Dates

Planning Board on July 17 and August 21, 2018
City Council on August 7 and September 4, 2018

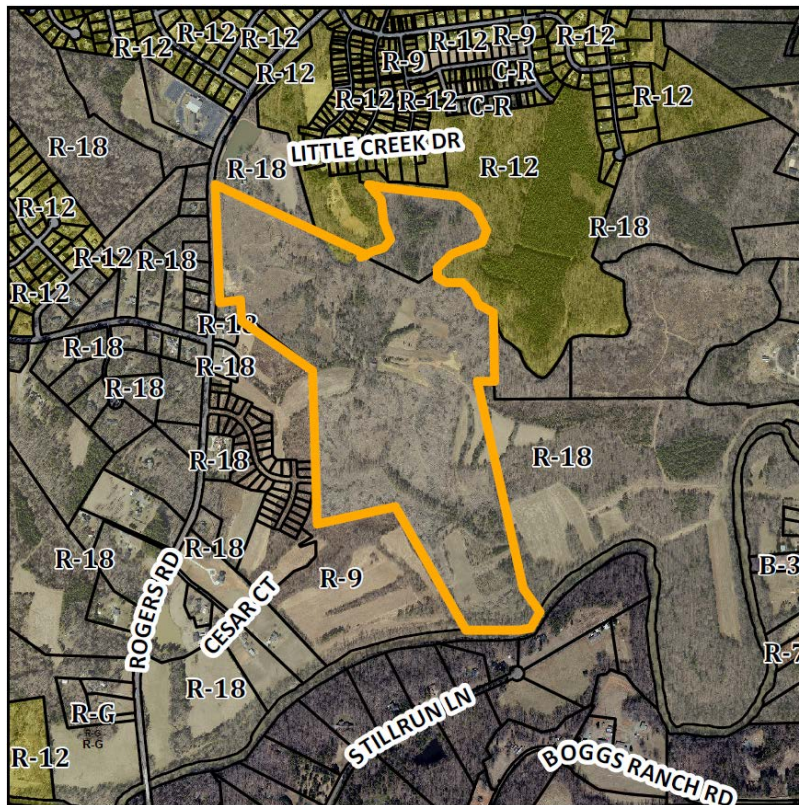
Contact Information

Greg Garrett, Shugart Enterprises, LLC
221 Jamestown Rd
Winston-Salem NC 27104
336-231-6764; greg@shugarthomes.net

Summary

This item was tabled by the Planning Board and should therefore be tabled by the City Council until their 9/4/2018 meeting. The item is on City Council's agenda as a result of public notice which was published in the Alamance News on 7/19/18 and 7/26/18.

This is a request to rezone the subject property from R-18 to R-9. The property is currently vacant, wooded, and under cultivation. This property was crossed by the proposed Southern Loop, which has subsequently been removed.



Location

Rogers Rd

GPIN: 8872986536, 8873900485

Current Zoning

Residential (low density)
(R-18)

Proposed Zoning

Residential (high density) (R-9)

Overlay District

none

Surrounding Zoning

R-18

Surrounding Land Uses

Single Family and Vacant

Size

Approximately 106 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Applicable Policies;

- 3.3.2 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. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-18 zoning. Additionally, the Suburban Residential neighborhood type density recommendations are greater than that which is permitted by R-18 zoning.*

Applicable Strategies;

- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connect to existing city infrastructure, and would facilitate later development of existing adjacent property.*

Planning Type

Neighborhood

Development Type

Suburban Residential

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

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

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

Density of 3 to 6 DU/acre

Staff Recommendation

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

- Rezoning the property would be in consistence with the Suburban Residential type and furthers the policies and strategies put forth by the *Graham 2035 Comprehensive Plan*, such as connected, efficient development.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

JUN 29 2018

CITY OF GRAHAM
INSP. / P.Z.

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: O Rodgers RD
 Tax Map#: 130476 GPIN: 8872986536
131641 8873900485
 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: Agriculture
 Total Site Acres: 94
 Property Owner: Dixie W. Rodgers, Shoffner Land & Timber, LLC
 Mailing Address: 1526 Rodgers RD
 City, State, Zip: Graham, NC 27253 1468 Trollingwood Rd Mebane 27302

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):
 R-7 R-9 R-12 R-15 R-18
 R-MF R-G C-R C-MXR
 B-1 B-2 B-3 C-B C-MXC
 O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. For *Conditional Rezoning*s, 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:

This rezoning request is designed to help prepare this land for residential development.

Applicant

Property Owner Other Shugart Enterprises, LLC

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: Shugart Enterprises, LLC
 Mailing Address: 221 Jonestown RD
 City, State, Zip: Winston Salem, NC 27104
 Phone # (336) 231-6764
 Email: greg@shugarthomes.net

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

Greg Shugart 6/29/18
 Signature of Applicant Date

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

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

Office Use Only. DEVID# R21804



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.

Rogers Road (RZ1804)
Type of Request
Rezoning
Meeting Dates
Planning Board on July 17, 2018
City Council on August 7, 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 17th day of July, 2018.

Attest:



Ricky Hall, Planning Board Chairman



~~Debbie Jolly, Secretary~~
Alexa Powell, Planner



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.

Rogers Road (RZ1804)

Type of Request

Rezoning

Meeting Dates

Planning Board on July 17, 2018, and
August 21, 2018

City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

SUBJECT:	CLOSURE OF UNOPEN PORTION OF E PARKER STREET
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Approve Resolution Authorizing the process to close of an unconstructed portion of E Parker Street.

BACKGROUND/SUMMARY:

The Isley Family is requesting the removal of a proposed roadway which bisects their land on E Elm Street. This portion of Right of Way (ROW) exists only on a Plat and has not been constructed, nor does it provide service to access land for anyone other than the Isleys. Additionally, there have been no utilities located in area by the City of Graham, nor anyone who came out as a result of an 811 call by the applicant to identify any infrastructure in the proposed ROW.

The proposed ROW was offered to the City of Graham on or before Plat Book 48, Page 145 at the Alamance County Register of Deeds. Typically, with a ROW closure, half of the property reverts to the property owner of record on each side. In this case, the ROW bisects a large tract owned by one entity. As such, the property will revert back to the owner who had previously offered it to the City of Graham.

A public hearing will be held prior to the vote regarding closure of this street.

This resolution will close the ROW for E Parker Street, and revert the property to the Isley family.

FISCAL IMPACT:

This section of roadway is not currently counted for the purposes of the Powell Bill, and therefore the City receives no funds from the state for it.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Resolution Ordering the Closing of East Parker Street.

A RESOLUTION ORDERING THE CLOSING OF EAST PARKER STREET

WHEREAS, on the 7th day of August, 2018, the City Council of the City of Graham directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing East Parker Street, a public street right-of-way as described in Exhibit A, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on September 4, 2018; and

WHEREAS, the City Council on the 7th day of August, 2018, ordered the City Clerk to notify all persons owning property abutting the portion of East Parker Street Extension by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

WHEREAS, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said street in the public hearing held on September 4, 2018; and

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

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

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

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

PROPOSED E. PARKER STREET EXTENSION 1.084 acres

BEGINNING at an existing iron pipe that is located South 04 degrees, 45 minutes, 05 seconds East 412.18 feet from Neyco, LLC's Southwest corner as described in Deed Book 3749, Page 107 Alamance County Register of Deeds, thence from said beginning point North 80 degrees, 10 minutes, 22 seconds East 187.99 feet to an existing iron pipe; thence North 80 degrees, 12 minutes, 47 seconds East 187.96 feet to an existing iron pipe; thence North 80 degrees, 11 minutes, 59 seconds East 405.61 feet to a point not set; thence South 14 degrees, 15 minutes, 03 seconds, East 60.18 feet to a point not set; thence South 80 degrees, 11 minutes, 30 seconds West 362.39 feet to an existing iron pipe; thence South 80 degrees, 11 minutes, 30 seconds West 198.98 feet to an existing iron pipe; thence South 80 degrees, 12 minutes, 43 seconds West 229.93 feet to an existing iron pipe; thence North 04 degrees, 57 minutes, 59 seconds West 60.20 feet to the point and place of beginning and consisting of 1.084 acres. Said sixty (60) foot wide strip being the proposed E. Parker Street Extension.

This legal is drawn in accord with a survey entitled "Recombination Survey for J. Mack Isley, Jr. and Others" recorded in Plat Book 79, Page 190 Alamance County Register of Deeds.

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

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

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

Upon motion duly made by Council Member _____ and duly seconded by _____, the above resolution was duly adopted by the City Council at a meeting held on the 4th day of September 2018, in the City Hall.

Upon call for a vote, the following Council Members voted in the affirmative:

_____	_____
_____	_____

This the 4th day of September, 2018 at 7:00 p.m.

Gerald R. Peterman, Mayor

Attest:

Darcy L. Sperry, City Clerk

NORTH CAROLINA

ALAMANCE COUNTY

I hereby certify that the foregoing is a true and accurate copy of a resolution duly adopted by the City Council of the City of Graham, North Carolina, at a meeting held on March 6, 2012, at 7:00 p.m. at the City Hall in the City of Graham.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the official corporate seal of said City to be affixed, this the ____ day of _____, 2018.

City Clerk

NORTH CAROLINA

ALAMANCE COUNTY

I, _____, a Notary Public, do hereby certify that _____, City Clerk, personally appeared before me this day and acknowledged the due execution of the foregoing certification, for the purposes therein expressed.

WITNESS my hand and notarial seal this ____ day of _____, 2018.

Notary Public

My Commission Expires: _____

EXHIBIT A

Description of East Parker Street to be Abandoned

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

PROPOSED E. PARKER STREET EXTENSION 1.084 acres

BEGINNING at an existing iron pipe that is located South 04 degrees, 45 minutes, 05 seconds East 412.18 feet from Neyco, LLC's Southwest corner as described in Deed Book 3749, Page 107 Alamance County Register of Deeds, thence from said beginning point North 80 degrees, 10 minutes, 22 seconds East 187.99 feet to an existing iron pipe; thence North 80 degrees, 12 minutes, 47 seconds East 187.96 feet to an existing iron pipe; thence North 80 degrees, 11 minutes, 59 seconds East 405.61 feet to a point not set; thence South 14 degrees, 15 minutes, 03 seconds, East 60.18 feet to a point not set; thence South 80 degrees, 11 minutes, 30 seconds West 362.39 feet to an existing iron pipe; thence South 80 degrees, 11 minutes, 30 seconds West 198.98 feet to an existing iron pipe; thence South 80 degrees, 12 minutes, 43 seconds West 229.93 feet to an existing iron pipe; thence North 04 degrees, 57 minutes, 59 seconds West 60.20 feet to the point and place of beginning and consisting of 1.084 acres. Said sixty (60) foot wide strip being the proposed E. Parker Street Extension.

This legal is drawn in accord with a survey entitled "Recombination Survey for J. Mack Isley, Jr. and Others" recorded in Plat Book 79, Page 190 Alamance County Register of Deeds.

From: [Jay](#)
To: [Nathan Page](#)
Subject: Isley Graham property r/w abandonment
Date: Wednesday, August 01, 2018 4:57:22 PM

Nathan,

Mack and Harry Isley would like to have the “Proposed E. Parker Street Extension” right-of-way abandoned and returned to their ownership since they own the property on both sides of the “proposed R/W”.

The email I sent earlier included the metes and bounds for the “proposed R/W”.

Let me know if you have any questions.

Thanks.

Jay Pope
Summey Engineering Associates, PLLC
P.O. Box 968
Asheboro, NC 27204
336.328.0902 office
336.328.0922 fax
336.465.6052 cell

SEA, PLLC COMPUTER FILE DISCLAIMER

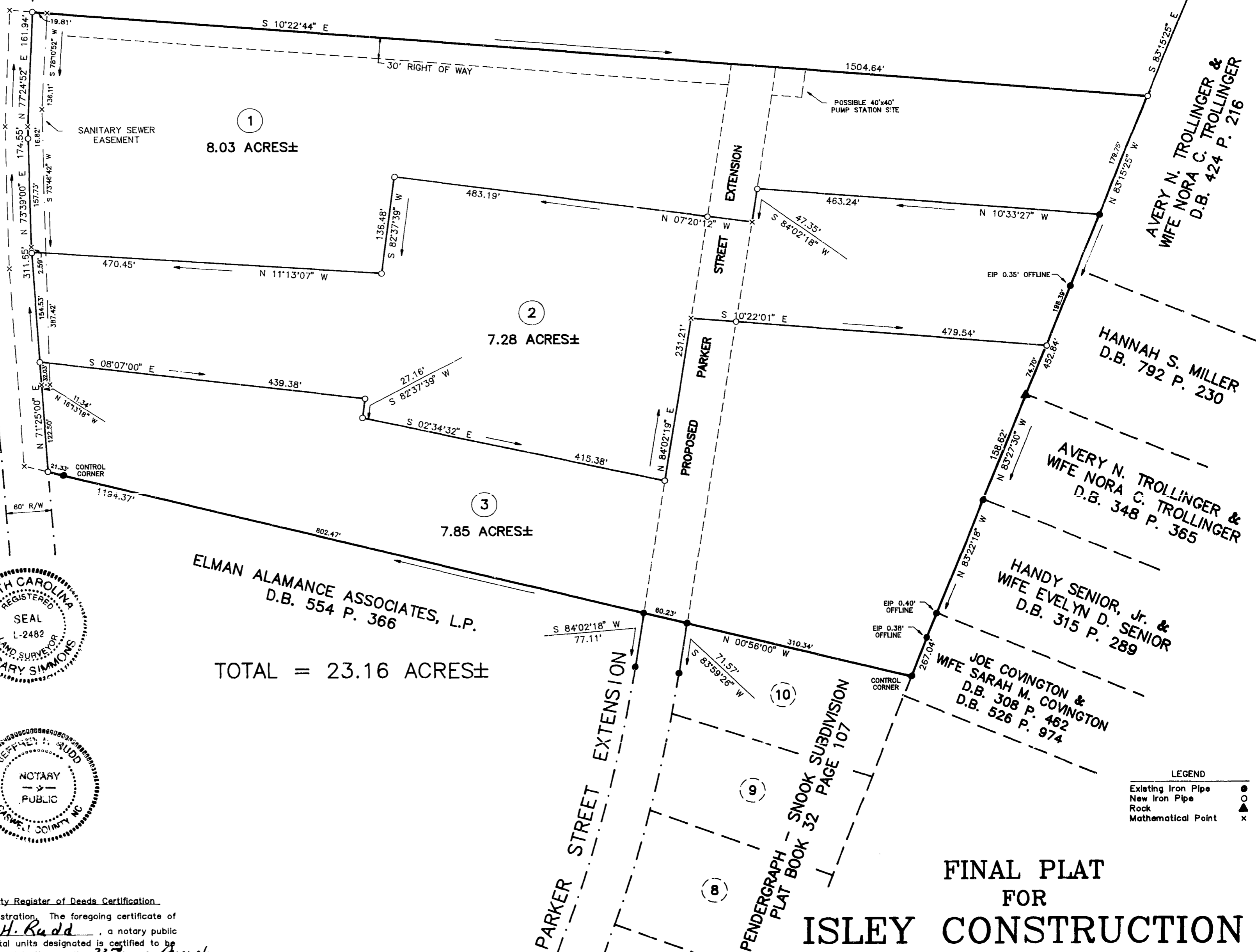
Any computer files included with this transmittal are for informational purposes only. Their content can be considered accurate at the time of delivery, but is subject to change, in the future, without notice. These files are not to be interpreted as final engineering drawings and are not to be used for property acquisition or project construction. Due to constant updates and revisions to computers and software packages, SEA, PLLC does not guarantee that these files can be opened or read by the recipient. Furthermore, SEA, PLLC policy does not permit the internal conversion of files to alternate software packages or operating systems. These activities, if necessary, shall be the responsibility of the recipient. By opening this file, the recipient understands that SEA, PLLC does not authorize in any way that drawing is accurate for construction material quantity takeoffs or for survey staking.

I hereby certify that I (We) am (are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____; and that I (We) hereby acknowledge this plat and allotment to be my (our) free act and deed hereby establish the minimum setback lines, and dedicate to public use as streets, alleys, crosswalks, easements, parks, and other spaces forever as shown or indicated further, I (We) certify that the property as shown hereon is within the subdivision - regulation jurisdiction of Alamance County.

J. Mack Isley, Jr. Owner Date _____
Kang P. Isley Owner Date _____

RALPH T. ISLEY &
WIFE SHERRY F. ISLEY
D.B. 490 P. 1048

STATE HWY. 49
EAST ELM STREET



Zoning Enforcement Officer Certification

Approved by the Planning Board City of Graham, N.C. effective on the 20th day of July, 1993. Provided that the plat is registered in the office of the Register of Deeds of Alamance County N.C. within 60 days from the effective date of this approval.

K. Gary Simmons Chairman
Thoy W. Woodard Mayor

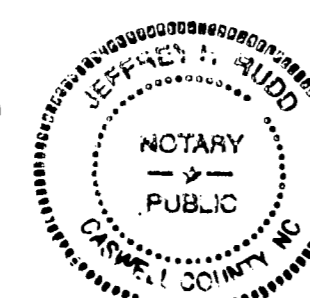
This survey creates a subdivision of land within the City of Graham that has an ordinance that regulates parcels of land.

K. Gary Simmons
Land Surveyor L - 2482



ELMAN ALAMANCE ASSOCIATES, L.P.
D.B. 554 P. 366

TOTAL = 23.16 ACRES±



North Carolina, County of Alamance I, a Notary Public of the county and state aforesaid, certify that K. Gary Simmons, a registered land surveyor personally appeared before me this day and acknowledged the execution of the foregoing instrument.

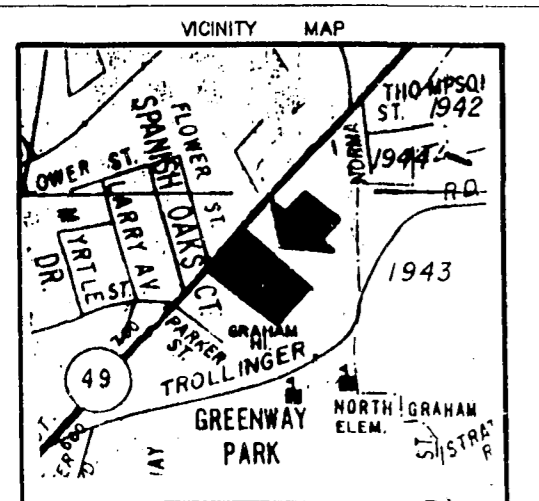
Witness my hand and official stamp or seal, this 30th day of June, 1993.

Jeffrey H. Rudd Notary Public My Commission Expires 10-16-94

Alamance County Register of Deeds Certification

Certificate of Registration. The foregoing certificate of Jeffrey H. Rudd, a notary public of the governmental units designated is certified to be correct. Filed for registration on the 23rd day of August 1993, at 2:49 clock P.M., and duly recorded in the Office of the Recorder of this County in the Book of Plats 48, Page 145.

Recorder Merril W. Japhy Asst. Deputy



FINAL PLAT FOR ISLEY CONSTRUCTION

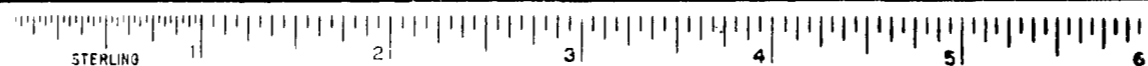
HAW RIVER TOWNSHIP ALAMANCE COUNTY NORTH CAROLINA

DATE 05-18-93 SCALE 1" = 100'



SIMMONS ENGINEERING & SURVEYING 106 E. PINE STREET GRAHAM, N.C.

FILE JR930325 DISC JR9303 SURVEY BY DGF DWG BY JHR APP'D BY KGS





STAFF REPORT

SUBJECT:	ANNEXATION OF A LOT ON GOVERNOR SCOTT FARM ROAD
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

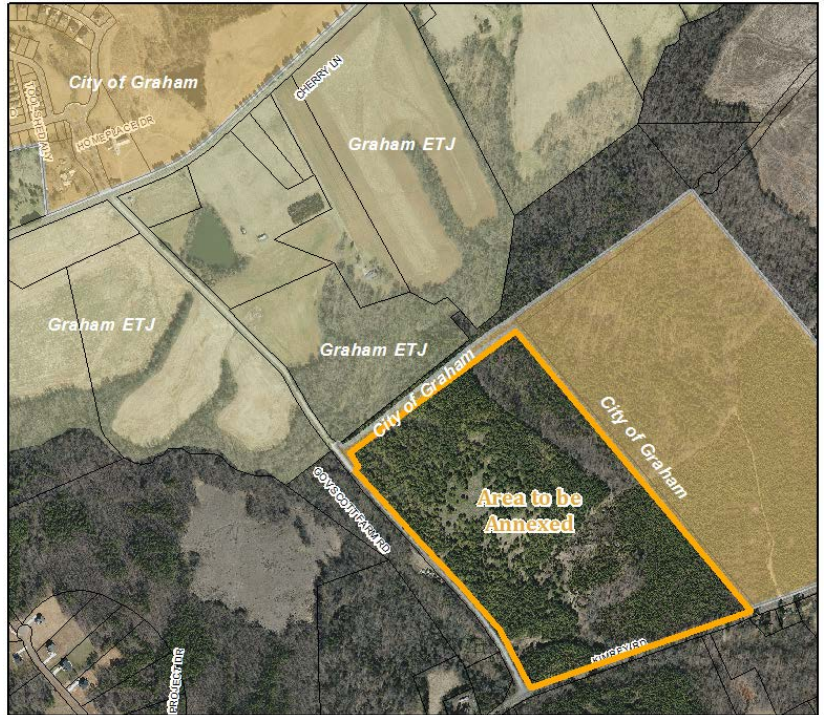
REQUESTED ACTION:

Approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for a lot located on Governor Scott Farm Road.

BACKGROUND/SUMMARY:

The attached petition seeks the Council’s approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is between Kimrey Road, Governor Scott Farm Road, and Senator Ralph Scott Parkway (Approx 70 acres). Water and Sewer are both available at this location.

The annexation process has multiple steps. Following a public hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.



FISCAL IMPACT:

The fiscal impact of this annexation to the city is unknown. Water and sewer are available at this location, and the applicant may tie on to these services. Additionally, there is potential for a large structure, which could be a sizable taxable investment.

STAFF RECOMMENDATION:

Approval. The adoption of the subject property will afford the property access to City services.

SUGGESTED MOTION(S):

1. I move we approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for a lot bounded by Kimrey Rd, Governor Scott Farm Road, and Senator Ralph Scott Parkway.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR A PARCEL BOUNDED BY KIMREY RD, GOVERNOR SCOTT FARM ROAD, AND SENATOR RALPH
SCOTT PARKWAY (AN1802)

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

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

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall, 201 South Main Street, Graham at 7:00 P.M. on September 4, 2018, after due notice by publication on August 23, 2018; and

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

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described territory is hereby annexed and made part of the City of Graham as of September 4, 2018:

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

BEING A 69.781 TRACT OF LAND SITUATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF KIMREY ROAD (S.R. 2125) AND GOVERNOR SCOTT FARM ROAD (S.R. 2124), A PORTION OF LOT 2 AS DESCRIBED IN MAP BOOK 77, PAGE 155, ALAMANCE COUNTY REGISTRY (HENCE ACR), AND BEING A PORTION OF TAX ID: 172761 SITUATED IN THE UNINCORPORATED AREA OF ALAMANCE COUNTY, NORTH CAROLINA, MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT NCGS STATION "GUVNOR" HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 839,741.12 AND EAST 1,897,712.00;

THENCE, S 72°50'06" E, A HORIZONTAL GRID DISTANCE OF 2,798.27 FEET TO A FOUND CONCRETE MONUMENT, HAVING NC GRID COORDINATES IN U.S. SURVEY FEET OF NORTH 838,915.28 AND EAST 1,900,385.63, ON THE SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY, A 60' RIGHT OF WAY PER MAP BOOK 77, PAGE 248, AND BEING THE NORTHWESTERN MOST CORNER OF THAT LIDL US OPERATIONS, LLC TRACT AS DESCRIBED IN DEED BOOK 3489, PAGE 373 AND BEING FURTHER KNOWN AS LOT 1A PER MAP BOOK 77, PAGE 155, **THE POINT OF BEGINNING**;

THENCE, IN A CLOCKWISE DIRECTION, DEPARTING SAID RIGHT OF WAY OF SENATOR RALPH SCOTT PARKWAY AND RUNNING WITH THE WESTERLY LINE OF SAID LIDL US OPERATIONS, LLC TRACT, S 40°23'47" E, 2,423.69 FEET TO A FOUND CONCRETE MONUMENT ON THE NORTHERLY RIGHT OF WAY LINE OF KIMREY ROAD (60' PUBLIC RIGHT OF WAY), MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD THE FOLLOWING SEVEN (7) COURSES

1. S 70°07'55" W, 168.33 FEET TO A FOUND CONCRETE MONUMENT;
2. S 70°26'57" W, 235.26 FEET TO A CALCULATED POINT;
3. S 70°41'04" W, 300.01 FEET TO A CALCULATED POINT;
4. S 70°24'37" W, 300.07 FEET TO A CALCULATED POINT;
5. S 70°24'57" W, 300.00 FEET TO A CALCULATED POINT;
6. S 70°25'39" W, 200.75 FEET TO A CALCULATED POINT;
7. S 67°28'19" W, 66.64 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID NORTHERLY RIGHT OF WAY OF KIMREY ROAD AND THE EASTERLY RIGHT OF WAY LINE GOVERNOR SCOTT FARM ROAD, A 60' PUBLIC RIGHT OF WAY PER MAP BOOK 65, PAGE 177, ACR;

THENCE, WITH SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD THE FOLLOWING EIGHT (8) COURSES:

1. N 25°47'47" W, 96.21 FEET TO A CALCULATED POINT;
2. N 27°35'12" W, 200.51 FEET TO A CALCULATED POINT;
3. N 27°55'40" W, 90.98 FEET TO A CALCULATED POINT;
4. N 36°32'38" W, 202.74 FEET TO A CALCULATED POINT;
5. N 41°32'38" W, 399.76 FEET TO A CALCULATED POINT;
6. N 41°57'38" W, 696.23 FEET TO A CALCULATED POINT;
7. N 39°07'12" W, 149.63 FEET TO A CALCULATED POINT;
8. N 16°38'59" W, 92.10 FEET TO A CALCULATED POINT AT THE INTERSECTION OF SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD AND SAID SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY;

THENCE, DEPARTING SAID EASTERLY RIGHT OF WAY OF GOVERNOR SCOTT FARM ROAD AND RUNNING WITH SAID SOUTHERLY RIGHT OF WAY LINE OF SENATOR RALPH SCOTT PARKWAY THE FOLLOWING SIX (6) COURSES:

1. N 42°53'55" E, 39.07 FEET TO A CALCULATED POINT;
2. N 51°58'56" E, 195.14 FEET TO A CALCULATED POINT;
3. WITH THE ARC OF A CIRCULAR CURVE TO THE LEFT HAVING A RADIUS OF 3030.00 FEET, AN ARC LENGTH OF 73.98 FEET, A CHORD OF 73.98 FEET BEARING N 51°16'58" E TO A CALCULATED POINT;
4. N 50°34'59" E, 713.53 FEET TO A CALCULATED POINT;
5. WITH THE ARC OF A CIRCULAR CURVE TO THE RIGHT HAVING A RADIUS OF 2370.00 FEET, AN ARC LENGTH OF 167.32 FEET, A CHORD OF 167.29 FEET BEARING N 52°36'21" E TO A CALCULATED POINT;
6. N 54°37'42" E, 166.48 FEET TO THE **POINT OF BEGINNING**, AND CONTAINING 69.781 ACRES OR 3,039,647 SQUARE FEET OF LAND, AS SHOWN ON THAT "FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION" PREPARED BY THE SURVEY COMPANY INC., DATED JUNE 28, 2018. SIGNED BY CHARLES S. LOGUE, NC PLS #L-4212.

Section 2. Upon and after September 4, 2018, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Graham and shall be entitled to the same privileges and benefits as other parts of the City of Graham. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Graham shall cause to be recorded in the office of the Register of Deeds of Alamance County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed

territory described in Section 1 above, together with a duly certified copy of this Ordinance. Such a map shall also be delivered to the Alamance County Board of Elections, as required by G.S. 163-288.1.

Adopted this, the 4th day of September, 2018.

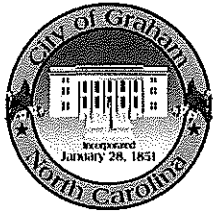
Gerald R. Peterman, Mayor

ATTEST:

Darcy L. Sperry, City Clerk

APPROVED AS TO FORM:

Keith Whited, City Attorney



Petition for ANNEXATION

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

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

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

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

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

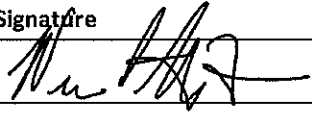
General description of area to be annexed

Approximately 70 acres bounded by Senator Ralph Scott Parkway, Governor Scott Farm Road and Kimrey Road per the attached exhibit.

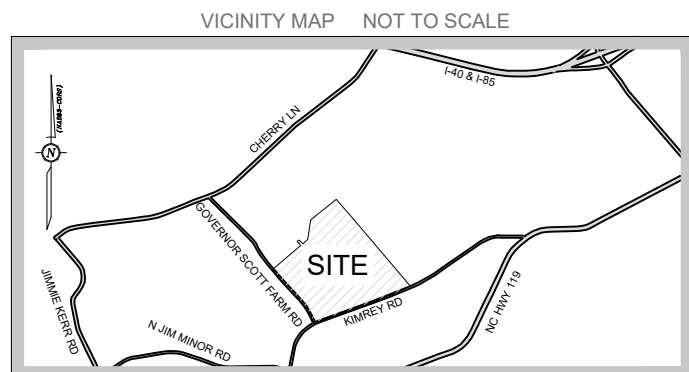
Attach the following:

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

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

Name	Address	Vested rights?	Signature
Scott Mayo Properties LLC	840 Plantation Drive		

attach additional sheets if necessary...



CITY OF GRAHAM (ZONING ENFORCEMENT OFFICER CERTIFICATION)

NO APPROVAL REQUIRED UNDER ARTICLE VIII, 10.336 OF THE CITY OF GRAHAM DEVELOPMENT ORDINANCES.

PLANNER DATE

CERTIFICATE OF ACCURACY

I CHARLES S. LOGUE, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY DIRECTION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1667, PAGE 706, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS LESS THAN 1:10,000; THAT THIS PLAN WAS PREPARED IN ACCORDANCE TO G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 4TH DAY OF JULY, A.D., 2018.

Signature of Charles S. Logue, dated 07/04/2018.

NC STANDARD SURVEYORS CERTIFICATION

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION IN BOOK 1667, PAGE 706 OF THE ALAMANCE COUNTY REGISTRY; THAT THE RATIO OF PRECISION IS GREATER THAN 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600).

Signature of Charles S. Logue, dated 07/04/2018.

GENERAL NOTES

- 1. ALL DISTANCES ARE HORIZONTAL MEASUREMENTS UNLESS OTHERWISE NOTED.
2. ALL AREAS ARE CALCULATED BY THE COORDINATE COMPUTATION METHOD.
3. ALL CORNERS MONUMENTED AS SHOWN.
4. THE HORIZONTAL DATUM IS NAD83 (2011) VRS DERIVED THE VERTICAL DATUM IS NAVD88, VRS DERIVED
5. NO NORTH CAROLINA GRID CONTROL MONUMENT WAS FOUND WITHIN 2000 FEET OF SUBJECT PROPERTY.

CERTIFICATE OF PURPOSE OF PLAT

I CHARLES S. LOGUE, REGISTERED LAND SURVEYOR NO. L-4212, CERTIFY TO ONE OR MORE OF THE FOLLOWING:

- A. THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS ONE ORDINANCE THAT REGULATES PARCELS OF LAND.
B. THAT THE SURVEY IS LOCATED IN A PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.
C. ANY ONE OF THE FOLLOWING:
1. THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET.
2. THAT THE SURVEY IS OF AN EXISTING BUILDING OR OTHER STRUCTURE, OR NATURAL FEATURE, SUCH AS A WATERCOURSE;
3. THAT THE SURVEY IS A CONTROL CORNER.
D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
E. THAT THE INFORMATION AVAILABLE TO THE SURVEYOR IS SUCH THAT THE SURVEYOR IS UNABLE TO MAKE A DETERMINATION TO THE BEST OF THE SURVEYOR'S PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

Signature of Charles S. Logue, dated 07/04/2018.

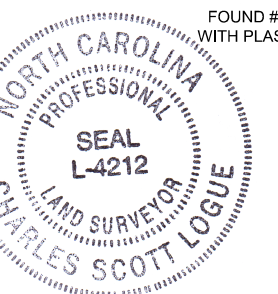
REVIEW OFFICER CERTIFICATION

STATE OF NORTH CAROLINA, COUNTY OF ALAMANCE
I, REVIEW OFFICER OF ALAMANCE COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

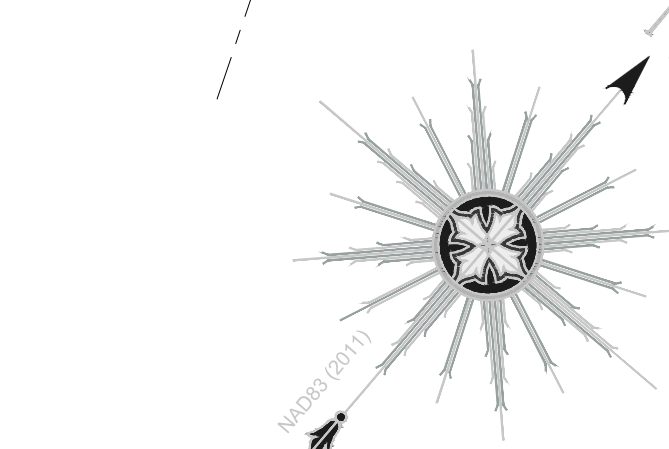
REVIEW OFFICER DATE

LEGEND

- LINE TYPES USED: PROPERTY LINE SURVEYED, PROPERTY LINE NOT SURVEYED, RIGHT-OF-WAY LINE.
SYMBOLS USED: FOUND PROPERTY CORNER, FOUND CONC. MONUMENT / STONE, CALCULATED POINT.
HATCHES USED: AREA IN R/W NOT BEING ANNEXED, AREA TO BE ANNEXED, AREA ALREADY ANNEXED.



CARL A WESTMAN PARCEL ID: 152561 DEED BOOK 2976, PAGE 166



GRAPHIC SCALE

(IN FEET) 1 inch = 250 ft.

POINT OF COMMENCEMENT NCGS STATION "GOVERNOR" N:839,741.12 E:1,897,712.00 U.S. SURVEY FEET

GRID TIE GRID NO. 1788-27 GRID DISTANCE C/D: 0.9893465

Curve Table with columns: Curve #, Length, Radius, Delta, Chord Length, Chord Direction. Rows C1 and C2.

PEDELTLY FAMILY IRREVOCABLE TRUST PARCEL ID: 159829 DEED BOOK 2765, PAGE 676

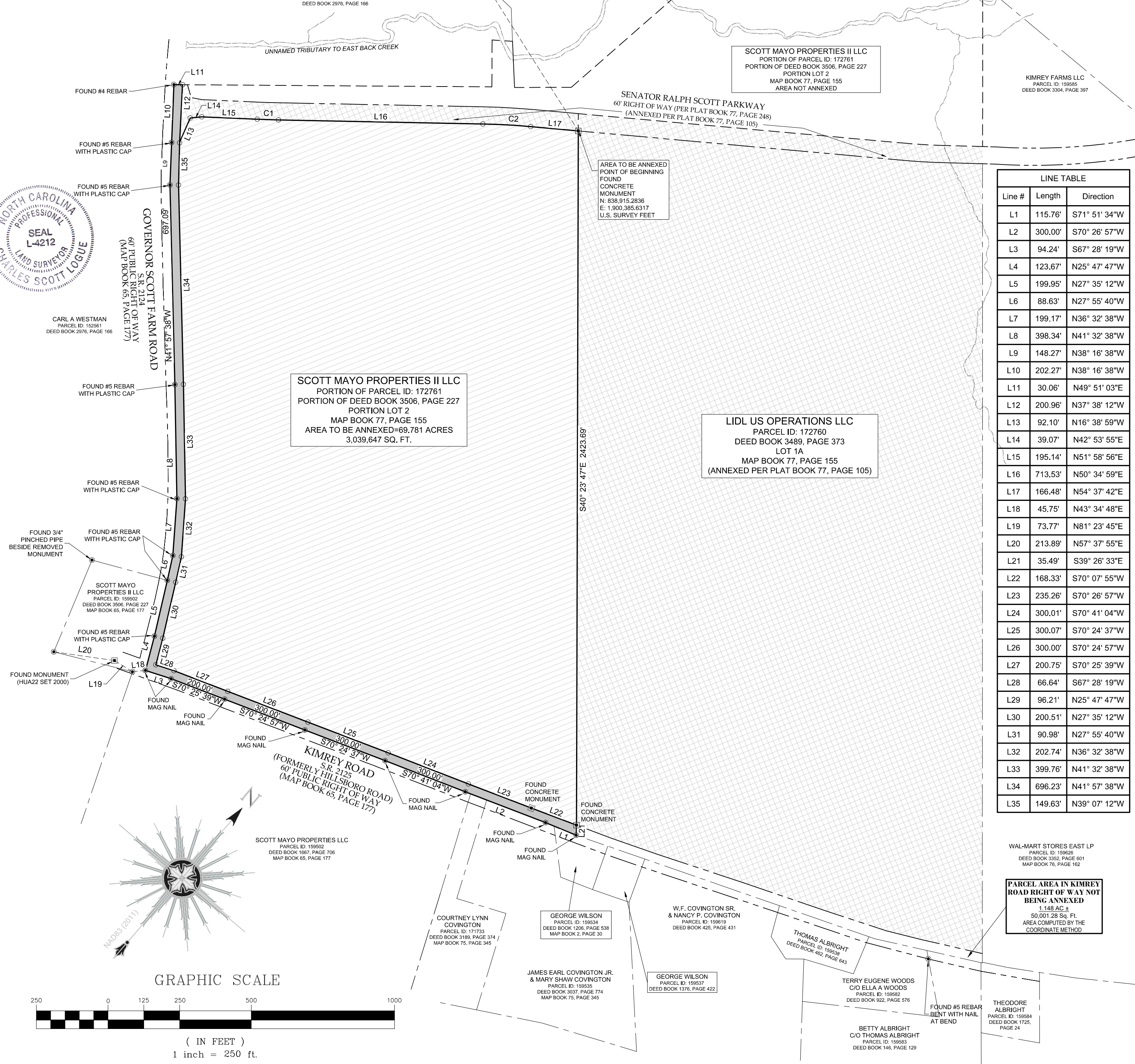
CARL A WESTMAN PARCEL ID: 152472 DEED BOOK 2976, PAGE 166

CARL A WESTMAN PARCEL ID: 152472 DEED BOOK 2976, PAGE 166

JANET L SCOTT PARCEL ID: 153022 DEED BOOK 384, PAGE 512

SCOTT MAYO PROPERTIES II LLC PORTION OF PARCEL ID: 172761 PORTION LOT 2 MAP BOOK 77, PAGE 155 AREA NOT ANNEXED

KIMREY FARMS LLC PARCEL ID: 159585 DEED BOOK 3304, PAGE 397



SCOTT MAYO PROPERTIES II LLC PORTION OF PARCEL ID: 172761 PORTION OF DEED BOOK 3506, PAGE 227 PORTION LOT 2 MAP BOOK 77, PAGE 155 AREA TO BE ANNEXED-69,781 ACRES 3,039,647 SQ. FT.

LIDL US OPERATIONS LLC PARCEL ID: 172760 DEED BOOK 3489, PAGE 373 LOT 1A MAP BOOK 77, PAGE 155 (ANNEXED PER PLAT BOOK 77, PAGE 105)

LINE TABLE with columns: Line #, Length, Direction. Lists lines L1 through L35 with their respective measurements and bearings.

THE SURVEY COMPANY, INC. 4105-B STUART ANDREW BLVD CHARLOTTE, NC 28217 (704) 561-9970 (704) 561-9972 FAX WWW.SURVEYCO.COM NORTH CAROLINA FIRM REGISTRATION NUMBER C-1716

FINAL PLAT SHOWING: CORPORATE LIMITS EXTENSION CITY OF GRAHAM PORTION OF TAX PARCEL 172761 KIMREY ROAD MELVILLE TOWNSHIP ALAMANCE COUNTY - NORTH CAROLINA

PROPERTY OWNER: SCOTT MAYO PROPERTIES II LLC 840 PLANTATION DRIVE BURLINGTON, NC 27215

PREPARED FOR: WINDSOR COMMERCIAL 5603 NEW GARDEN VILLAGE DRIVE GREENSBORO, NC 27410 PHONE: 336-282-3550 CONTACT: BUDDY SEYMOUR

PROJECT NUMBER: WCL01 SURVEYED BY: TSCI DRAWN BY: TRB/ERP CHECKED BY: CSL ISSUE DATE: 07/04/2018

CAD FILE: WCL01.dwg

Tom Boney

1240 Gemstone Ct Graham, NC 27253

Mr. Holt indicated that his business has been operating in Graham for about 20 years renting space on the corner of Elm St. and Harden St. During this time the facility has served as a manufacturing base for the production of medical compression fabrics. The company was recently acquired and the new ownership is in the process of expansion including hiring additional staff. As a result of this growth he needs 8 new office spaces for these employees. The current building is mostly a manufacturing facility and has limited office space. The challenge as described by Mr. Holt is that because he does not own the building it would be difficult to justify making capital improvements to the property. His request is to allow the use of a modular office building, in the adjacent parking lot for the medium to long term, in order to solve this lack of on-site office space problem.

Mr. Boney highlighted that this request was not specific to Mr. Holt's property and questioned the necessity of allowing this type of building city-wide in all of the Overlay Districts versus making an exception for this property owner. Mr. Boney also asked if there were alternatives to the action being requested. Staff explained the Planning Board could not change the standards for just one parcel to be excluded from a regulation. Staff offered that alternatively the applicant could apply for a conditional rezoning. However, staff cautioned that the risk of doing so is that during the conditional rezoning process City Council may ask the applicant for additional improvements in exchange for granting the request. For example, City Council may require for the applicant to meet the current landscaping standards or something else along those lines because of the properties lack of conformity with current ordinances.

Mr. Boney followed-up with an additional question, regarding the ability for these mobile office to be used for sales. Staff indicated if this were to be approved, any mobile unit could be located on a parcel provided it was properly zoned for that use. Several members objected to permitting this type of building in our most visible corridors and expressed a desire to protect the Overlay Districts.

Eric Crissman made a motion to recommend denial of the application because the proposal is inconsistent with the Overlay District regulations as well as Graham's 2035 Comprehensive Plan, Nate Perry seconded. Eric Crissman and Nate Perry voted in favor. Dean Ward, Ricky Hall, Bonnie Blalock, and Justin Moody were opposed. The motion failed.

Ricky Hall made a motion to recommend approval stating it was consistent with Graham's 2035 Comprehensive Plan, Dean Ward seconded. Dean Ward, Ricky Hall, Bonnie Blalock, and Justin Moody voted in favor. Eric Crissman and Nate Perry were opposed. The motion was approved. After the vote Eric Crissman made a brief statement about his dissent and requested for Chairman Hall to identify the ways in which the project was consistent with the 2035 Comprehensive Plan. There was no additional discussion with regards to this item.

3. Old Business

a. RZ1804 – Rezoning from R-18 to R-9 for property located on Rogers Rd. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485.

Greg Garrett

221 Jonestown Rd. Winston Salem, NC 27104

Mr. Garrett asked for the property to be rezoned to R-9 in order to develop this area now with the removal of the southern loop project. He indicated this proposal was consistent with the land use plan in Graham's 2035 Comprehensive Plan.

Eric Crissman made a motion to recommend approval, seconded by Ricky Hall. All voted Aye.

b. S1801 – Application for 178 units on approximately 106 acres. Application by Greg Garrett, Shugart Enterprises, LLC. GPIN 8872986536, 8873900485.

Greg Garrett

221 Jonestown Rd. Winston Salem, NC 27104

Eric Crissman asked Mr. Garrett about the density of the development. The developer explained that several detailed rock studies were completed and the density was mainly a function of the challenge of avoiding rock along with existing topography which were both limiting factors in this location. Ricky Hall made a motion to recommend approval as written including the cul-de-sac as it is in keeping with Graham's 2035 Comprehensive Plan upon the condition that the subdivision meets all TRC standards for approval, Nate Perry seconded. Dean Ward, Ricky Hall, Bonnie Blalock, Nate Perry, and Justin Moody voted in favor. Eric Crissman was opposed. The motion passed.

c. AM1805 – Application to amend the Table of Permitted Uses to permit Life Counseling in the B-1 downtown district. Application by William Hughes.

William Hughes

110 W Elm St Graham, NC 27253

Mr. Hughes spoke on behalf of the Life counseling center. Ricky Hall made a motion to recommend the approval of the language the Planning Board drafted at the previous meeting and to adjust the table of permitted uses as it was in keeping with the 2035 Comprehensive Plan, Eric Crissman seconded. All voted Aye.

d. AM1803 -- Entrance Overlays. Discussion by Planning Board with regards to future potential regulations within the City's gateways. Staff provided an example of Greensboro's ordinance. The Planning Board requested some additional examples of Overlay Districts in other cities.

No further business the meeting was adjourned.

Respectfully Submitted,
Alexa Powell



STAFF REPORT

Prepared by Nathan Page, Planning Director

Rogers' Springs (S1801)

Type of Request: Major Subdivision

Meeting Dates

Planning Board on July 17, August 21, 2018

City Council on September 4, 2018

Contact Information

Greg Garrett, Shugar Enterprises, LLC

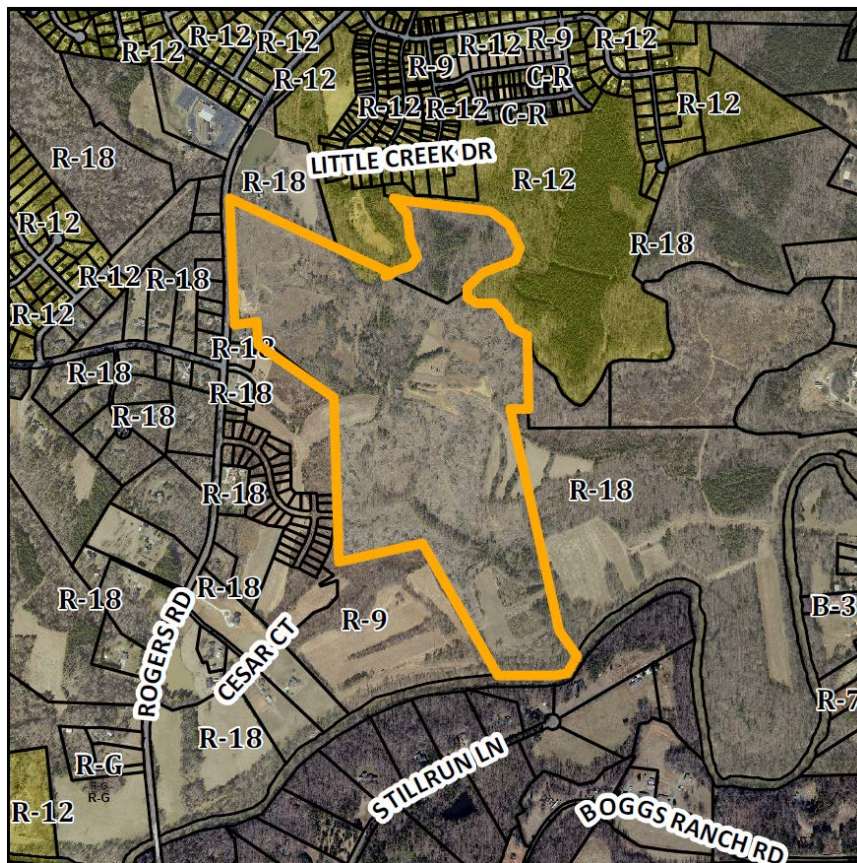
221 Jamestown Rd

Winston-Salem NC 27104

336-231-6764; greg@shugarthomes.net

Summary

This is a request to create a new major subdivision on approximately 106 acres for 178 new lots.



Location

Rogers Road

GPIN: 8872986536, 8873900485

Proposed Zoning

High Density Residential (R-9)

Overlay District

none

Surrounding Zoning

R-9, R-12, R-18

Surrounding Land Uses

Single family, vacant, agricultural

Size

Approximately 106 acres

Public Water & Sewer

New Infrastructure Proposed

Floodplain

Yes

Staff Recommendation

Approval, with conditions

Technical Review Committee

The Technical Review Committee has requested redundant access to the developable parcels to the East.

Conformity to *The Graham 2035 Comprehensive Plan* and Other Adopted Plans

From Our Vision

- A Healthy Environment** New growth in Graham will occur sustainably, with minimal impact on the natural environment. Conservation efforts will maintain the health of the watershed, preserve habitat for native plants and animals, as well as reduce pollution through investments in renewable energy sources, clean transportation options, and resource conservation. *This subdivision proposes approximately 30 acres of open space, mostly in the floodplain. This protection of existing floodplain will reduce downstream flood events and protect habitat. The common areas are identified in our Future Land Use Map as areas to protect. Additionally, it will continue laying out a greenway connection to the MST/HRT along Big Alamance Creek.*

Development Type

Suburban Residential

Located near a major thoroughfare

For single family residential

Characteristics include sidewalks on both sides, street trees at 30-40 feet intervals, and block lengths less than 600 feet

Density of 3 to 6 DU/acre

Infrastructure includes water, sewer, street connectivity and underground utilities

Applicable Strategies and Policies

- Policy 3.2.3 Fewer Dead-end Streets** Discourage or prohibit the development of cul-de-sacs and dead-end streets in new projects. *While the proposal will have three cul-de-sacs, they are a result of the expense of crossing the stream which lies to the North of the subject property. Additionally, while there is a cul-de-sac which is in excess of 500 feet, it is a result of the unique site characteristics.*
- Policy 3.2.4 Greenway System** Promote a greenway system that links together the City's recreational resources and provides connections to commercial, employment, and residential areas. Greenways along stream buffers should be prioritized in order to protect the stream watershed. *This parcel contains land that a pedestrian easement will be required as part of approval upon. Additionally, the Alamance Parks and Recreation department may attempt to acquire a larger portion in the future, but the land here is protected as common space.*
- Strategy 4.2.1 Greenways** Continue to develop a greenway system that links together the City's recreational resources.
- Policy 4.3.1 Land Use Patterns** Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *This proposal keeps almost all of the development out of the floodplains, and allows for connection from the stubs to the east for future development on suitable land. However, given a single road connection, it does limit the future development potential to the land bounded by the creeks, unless a bridge is subsequently provided to connect to S. Main Street.*

Staff Recommendation

Based on *The Graham 2035 Comprehensive Plan* and the *City of Graham Development Ordinance*, staff **recommends approval of the subdivision, with the following conditions;**

- A final site plan must be submitted to and approved by the TRC before a building permit and/or certificate of occupancy will be issued.
- Secondary access must be provided to the properties to the East, in a manner approved by the TRC.

The following supports this recommendation:

Allowing a high density subdivision in this location removes households from the potential harm from floodways, and protects greenspace and promotes a greenway trail system.



Application for SUBDIVISION

RECEIVED

JUN 29 2018

CITY OF GRAHAM

INSP 187

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

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

Site

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

105.9 acres with a proposed
178 units, for 1.68 units per
acre.

Tax Map#: 130476, 131641 GPIN: 8872986536, 8873900485

Current Zoning District(s): R-18

Overlay District, if applicable:

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

Property Owner: Dixie Rogers Shoffner Land Title

Mailing Address: 1526 Rogers Rd 1468 Trolleywood Rd

City, State, Zip: Graham NC 27253 Mebane NC 27302

Phone # _____

Applicant and Project Contact

Name: Shugart Enterprises, LLC

Property Owner Engineer/Surveyor

Other: Developer

Mailing Address: 221 Jonestown Rd

City, State, Zip: Winston Salem NC 27104

Phone # (336) 231-6764

Email: greg@shugarthomes.net

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

Greg Shugart 6/29/18
Signature of Applicant Date

Submit SUBDIVISION MAPS with this application

Proposed Subdivision

Subdivision Name: Rogers' Springs

Type of Application:

- Preliminary Plat, Major Subdivision **By signing this application, I authorize the City of Graham to record the Final Plat.*
- Final Plat*, Major Subdivision
- Final Plat*, Minor Subdivision

Number of Lots: 178 Total Acreage: 105.9

Related Development (if any): _____

Subdivision Maps

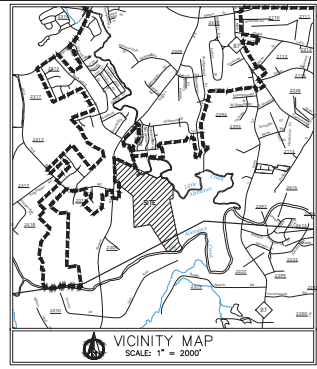
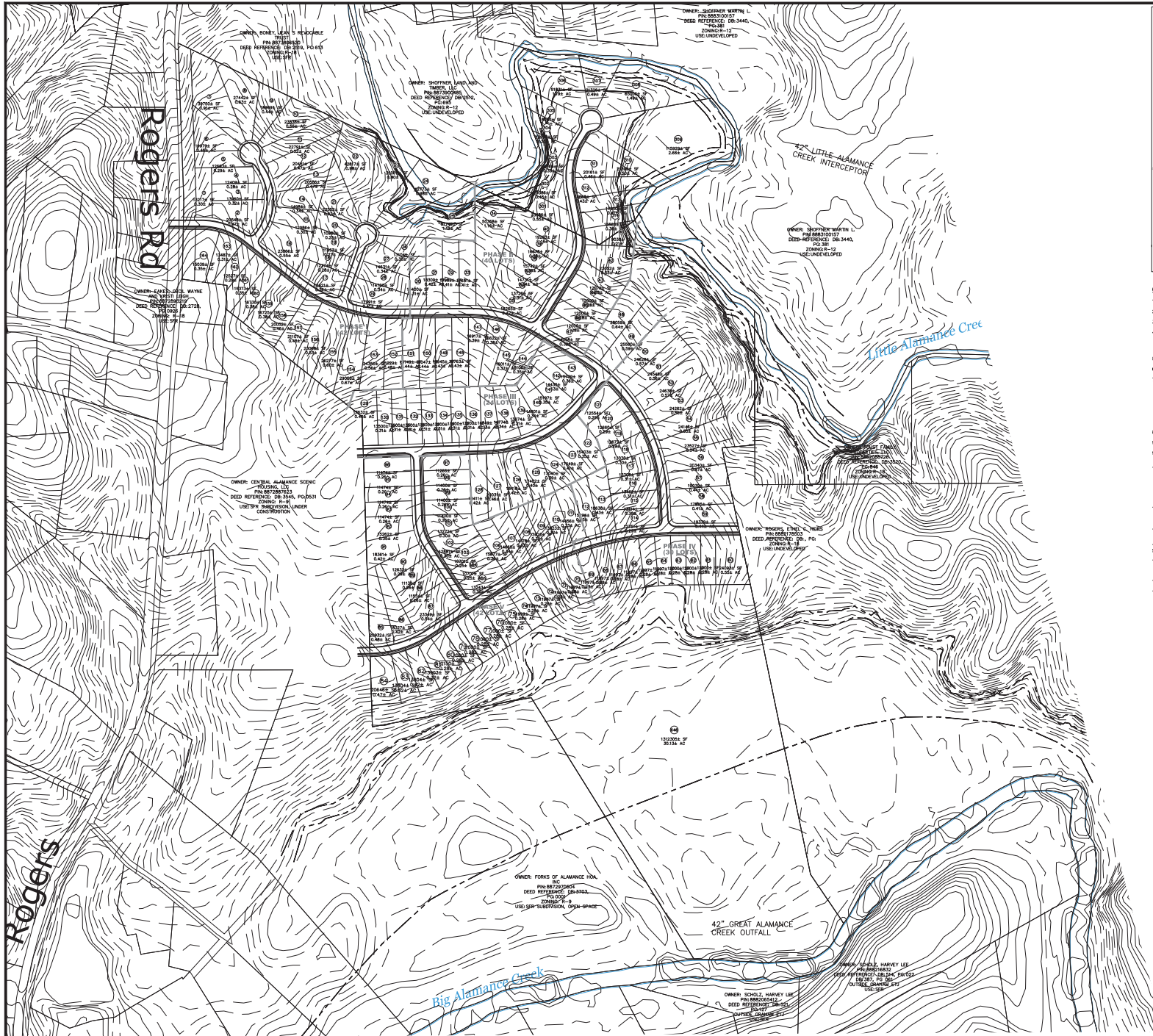
This application **must be accompanied** by a subdivision map, which may include one or more sheets to provide sufficient detail for review. See the back of this application for a checklist of items that should be shown on the subdivision map, as applicable. The following copies of the subdivision map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

- For Major Subdivision Preliminary Plan, 4 paper copies and an electronic pdf
- For Major Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 2 paper copies
- For Minor Subdivision Final Plats, an electronic pdf for preliminary review, then 2 Mylar and 1 paper copy

Other Requirements

- NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing
- NCDOT 3-Party Encroachment Agreement, if things such as a sidewalk or utility connection are proposed in the right-of-way
- Flood Elevation Certificate, if there is Special Flood Hazard Area near the development
- Floodplain Development Permit, if development is proposed in a Special Flood Hazard Area
- Stormwater Permit, if one or more acres is disturbed
- Erosion Control Permit from the NC Dept. of Environment and Natural Resources if the land disturbing activity exceeds one acre

FOR OFFICE USE ONLY	
DEVID# 51801	Fee \$



- OVERALL SITE DATA:**
- 1) DEED REFERENCE: DR 550, PG 473
 - 2) PLAT REFERENCE: NONE AVAILABLE
 - 3) PARCEL ID: 867290268
PROPERTY AREA: 84.03 ACRES (PER DEED)
HANNIBAL AREA: 10.93 ACRES (PER GRD)
TOTAL AREA: 105.93 ACRES
 - 4) EXIST. NO. OF LOTS: 1 LOT
 - 5) CURRENT ZONING: R-18
 - 6) PROPOSED ZONING: R-9
R-9 DIMENSIONAL STANDARDS:
MINIMUM LOT SIZE: 9,000 SQ. FT.
MINIMUM LOT WIDTH: 60'
MAXIMUM BUILDING HEIGHT: 35'
FRONT YARD DEPTH: 30'
SIDE YARD WIDTH: 4'
STREET SIDE YARD WIDTH: 10'
REAR YARD DEPTH: 25% OF LOT DEPTH
 - 7) CURRENT LAND USE: UNDEVELOPED
 - 8) PROPOSED LAND USE: SINGLE FAMILY
 - 9) OPEN SPACE REQUIRED FOR ZONING: NONE REQUIRED
 - 10) UNITS PROPOSED:
PHASE I: 43 LOTS
PHASE II: 45 LOTS
PHASE III: 24 LOTS
PHASE IV: 30 LOTS
PHASE V: 42 LOTS
TOTAL LOTS: 178 LOTS
 - 11) DENSITY: 164 UNITS/100 AC = 1.74 UNITS/AC
+ 14 UNITS/10.9 AC = 1.28 UNITS/AC
= 178 UNITS/105.9 AC = 1.68 UNITS/AC
 - 12) A PORTION OF THE SITE IS LOCATED WITHIN A DESIGNATED SPECIAL FLOOD HAZARD AREA ACCORDING TO FEMA.
 - 13) NO BOUNDARY SURVEY HAS BEEN DONE AT THIS TIME. BOUNDARY INFORMATION SHOWN IS TAKEN FROM AVAILABLE GIS DATA.
 - 14) OWNER: ROGERS, DIME ET AL
1505 ROGERS ROAD
GRAMMA, NC 27253
 - 15) DEVELOPMENT SHALL HAVE A MAXIMUM IMPERVIOUS SURFACE OF 23.0%.
 - 16) NO WETLANDS EVALUATION NOR PERMITTING HAS BEEN UNDERTAKEN AT THIS TIME.

GREEN MOUNTAIN ENGINEERING, PLLC
A MEMBER OF GREENSBORO, NC 27409
Tel: 336.294.5926
CERTIFICATE #7-0026
www.greenmountainengineers.com

SEALS

CARD PRIMARY SEAL NOT FOR CONSTRUCTION

APPLICANT/DEVELOPER:

Shugart Management Inc.

Greg Garret
221 Jonestown Rd
Winston-Salem, NC 27103
Phone: (336) 765-6661
Cell: (336) 399-7197
greg@shugartmanagement.com

STATE: NORTH CAROLINA
COUNTY: ALAMANCE

ROGERS SPRING

MUNICIPALITY: CITY OF GRAMMA - ETJ
TOWNSHIP: GRAMMA TOWNSHIP

DESIGNED BY: OME
CHECKED BY: OME
DATE: 2018-JUNE-29
PROJECT: 7417-006



SHEET TITLE:
REZONING
SKETCH PLAN

SCALE: 1" = 150'
SHEET NO.:
C-0.1



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.

**Rogers' Springs
(S1801)**
Type of Request
Major Subdivision
Meeting Dates
Planning Board on July 17, 2018
City Council on August 7, 2018

/

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

I move to recommend **APPROVAL** with the following condition(s);

• [Insert additional comments]
with TRC approvals

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*.

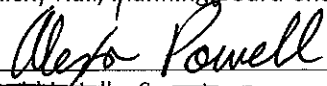
The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 17th day of July, 2018.

Attest:



Ricky Hall, Planning Board Chairman



Debbie Jolly, Secretary

Alexia Powell, Planner



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.

**Rogers' Springs
(S1801)**

Type of Request
Major Subdivision

Meeting Dates
Planning Board on July 17, 2018 and
August 21, 2018
City Council on September 4, 2018

Choose one...

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

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Gov Scott Farm Rd (RZ1805)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Contact Information

William Seymour, Windsor Commercial

5603 New Garden Village Dr.

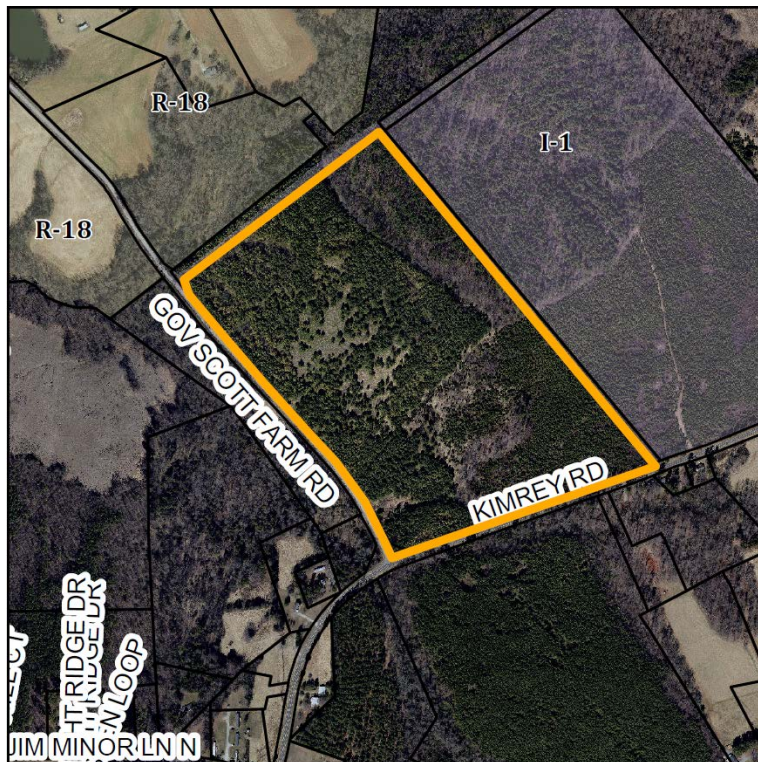
Greensboro, NC 27410

336-362-0734,

bseymour@windsorcommercial.com

Summary

This is a request initiate zoning upon the property. The property is currently vacant. The stated request is to permit “development of industrial property.”



Location

Gov Scott Farm Road, Sen Ralph Scott Road, and Kimrey Rd

GPIN: 9803085096

Current Zoning

Unzoned

Proposed Zoning

Industrial (Light) (I-1)

Overlay District

none

Surrounding Zoning

R-18, I-1, Unzoned

Surrounding Land Uses

Distribution/Warehouse, Single Family, Agricultural, and Vacant

Size

Approximately 70 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

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

Applicable Policies;

- 2.4.1 NC Commerce Park. Promote growth of Graham's primary job creation opportunity, a joint planning area known as the North Carolina Commerce Park (NCCP), due to its location, regional accessibility, and high developable status. *Permitting Light Industrial zoning would allow for the anticipated land uses likely to occupy this parcel in the future.*
- 4.3.1 Land Use Patterns. Promote development of efficient land use patterns to allow continued quality and efficiency of water systems. Discourage the extension of water service into areas that are not most suitable for development. *The site would connecting to existing city infrastructure, and could facilitate later development of existing adjacent property.*

Applicable Strategies;

- 2.2.1 Job Development. Provide support and assistance to the business recruitment efforts of the Alamance County Chamber of Commerce, seeking to attract a range of employment opportunities. *The Chamber is actively attempting to recruit businesses like those that would choose to occupy this parcel.*
- 2.4.3 Freight Corridors. Encourage freight-oriented industrial development to locate where it can maximize access to major freight routes, including I-40/85 and state highways. *The construction of the Senator Ralph Scott Parkway was intended to provide freight access through this region without disrupting local transportation networks.*

Planning Type

District

Development Type

Employment District

Contains several uses, including farms, single family homes, natural groundcover, and warehousing.

Provide office space, industrial space, commercial space, institutional space, and residential housing.

This should be planned to preserve open space and open corridors, and develop high-quality and adaptable buildings for a variety of companies.

Should support the viability of safe walking and bicycling as a serious form of transportation, while also ensuring the most efficient transportation network possible for freight trucks and other heavy vehicles that require regional access.

Density of 6 DU/acre, or 0.5 Commercial/Industrial FAR

Staff Recommendation

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

- Rezoning the property would be in consistence with the Employment District type and will allow land uses which are likely to attract employment opportunities within the City of Graham.



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: 3875 Senator Ralph Scott Pkwy
 Tax Map#: 172761 GPIN: 9903085096
 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: Tree farm/vacant land
 Total Site Acres: 69.781
 Property Owner: Scott Mayo Properties II, LLC
 Mailing Address: 840 Plantation Dr
 City, State, Zip: Burlington, NC 27215

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):
 R-7 R-9 R-12 R-15 R-18
 R-MF R-G C-R C-MXR
 B-1 B-2 B-3 C-B C-MXC
 O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*s, 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:

Development of industrial property.

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 Rezoning**s

Applicant

Property Owner Other William Seymour
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: William Seymour
 Mailing Address: 5603 New Garden Village Dr
 City, State, Zip: Greensboro, NC 27410
 Phone # (336) 362-0734
 Email: bseymour@windsorcommercial.com

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

William Seymour 7/11/18
 Signature of Applicant Date

Office Use Only. DEVID# R21805



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.

Gov Scott Farm Road (RZ1805)
Type of Request
Initiate Zoning
Meeting Dates
Planning Board on August 21, 2018
City Council on September 4, 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 21th day of August, 2018.

Attest:



Ricky Hall, Planning Board Chairman



Debbie Jolly, Secretary
Alexa Powell, Planner



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.

Gov Scott Farm Road (RZ1805)

Type of Request

Initiate Zoning

Meeting Dates

Planning Board on August 21, 2018
City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Alexa Powell, Planner

Elm Street CBD (RZ1806)

Type of Request: Rezoning

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Contact Information

Haywood Simpson

2714 W. Front St. A-3

Burlington, NC 27215

336-584-6275

h.simpson5@triad.r.r.com

Summary

City Staff recommends also rezoning the city owned parking lot in addition to the lot at 206 E Elm Street. The public notice was done in such a way to provide for neither, both, or either, as desired by the City Council.

This is a request to rezone the property from B-2 General Business to B-1 Central Business. The property recently burned down and was listed as a total loss by the insurance company. The stated request is to permit the property owner to “restore structure to similar footprint.”

Prior to the property burning down it was considered a nonconforming building because it did not meet the current front yard setback requirements for buildings in the B-2 zoning district. The Development Ordinance, Section 10.70 Nonconforming Buildings, says “if a building is destroyed, in whole or in part, by any means, to an extent greater than 60% of replacement cost or bulk it cannot be replaced.”



Location

206 E. Elm St. and 200 E. Elm Street

GPIN: 8884243495

8884242495

Current Zoning

B-2 General Business

Proposed Zoning

B-1 Central Business

Overlay District

none

Surrounding Zoning

B-1 & B-2

Surrounding Land Uses

Funeral Home, Medical Office, Parking, Single Family, & Retail

Size

Approximately 0.54 acres

Public Water & Sewer

Yes

Floodplain

No

Staff Recommendation

Approval

If the property remains B-2, any new structure would need to meet the 40ft front yard setback, and would be required to install landscaping if a new structure were to be constructed.

Alternatively, by rezoning the property to B-1 there are no setback or landscaping requirements and the structure could be rebuilt to a similar, or larger, footprint.

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

Applicable Policies;

- 2.1.5 Reduce barriers. Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development.
Minimizes barriers to development by permitting a similar structure be rebuilt within the previous building footprint.
- 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.
Facilitates infill development that maintains downtown walkability.

Applicable Strategies;

- 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
 - Deferred tax payments
 - Covering some building expenses
 - Low-interest loans
 - Providing infrastructure
 - Flexible and innovative regulations
 - Small area plans

Utilizes existing City infrastructure to its full potential. The rezoning provides an innovative solution to regulations in order to incentivize the desired pedestrian oriented development pattern.

Staff Recommendation

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

- Rezoning the property would be permit additional dense development in the immediate vicinity of our downtown.

Planning Type

District

Development Type

Downtown District

Contains several uses, including offices, homes, restaurants, entertainment venues, gathering spaces, and cultural opportunities.

New buildings in mixed use commercial areas should be located no further than 15 feet from the front lot line and should include transparent windows on at least 50% of the first floor facade. Multiple stories and a mix of uses are desirable.

Downtown streets should be built as places, not just transportation corridors, and should primarily accommodate pedestrians and bicyclists. Automobile parking should be located on the street, creating a barrier between moving traffic and the sidewalk, and behind or below buildings. Bicycle racks should be located throughout downtown. In all new street redevelopment projects, street trees should be placed at 20-30 foot intervals.

3-5 Story Building Height



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: 206 E. Elm Street
 Tax Map#: 146236 GPIN: 8984243495
 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: Office
 Total Site Acres: 7500 sq ft app.
 Property Owner: HAYWOOD SIMPSON
 Mailing Address: 2714 W. Front St., A-3
 City, State, Zip: Burlington, N.C. 27215

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):
 R-7 R-9 R-12 R-15 R-18
 R-MF R-G C-R C-MXR
 B-1 B-2 B-3 C-B C-MXC
 O-I C-O-I I-1 I-2 C-I

Describe the purpose of this rezoning request. *For Conditional Rezoning*s, 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:

restore structure to similar foot print

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: HAYWOOD G. SIMPSON, JR.
 Mailing Address: 2714 W. Front St., A-3
 City, State, Zip: BURLINGTON, NC 27215
 Phone #: 336 584-6275
 Email: H.SIMPSON5@TRIAD.R.R.

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 Rezoning

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

 Signature of Applicant _____ Date 7/19/18

Office Use Only: DEVID# RZ1806



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.

E Elm CBD (RZ1806)
Type of Request
Initiate Zoning
Meeting Dates
Planning Board on August 21, 2018
City Council on September 4, 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*.

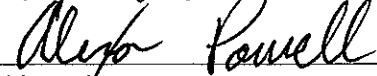
The action is reasonable and in the public interest for the following reasons:

This report reflects the recommendation of the Planning Board, this the 21th day of August, 2018.

Attest:



Ricky Hall, Planning Board Chairman



Debbie Jolly, Secretary
Alexa Powell, Planner



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.

E Elm CBD (RZ1806)

Type of Request

Initiate Zoning

Meeting Dates

Planning Board on August 21, 2018
City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Not applicable

Applicable Planning District Policies and Recommendations

- Policy 2.1.6 **Locally owned businesses** Facilitate the creation and growth of locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable operating practices. *Many locally-owned businesses start small, often in someone's kitchen or garage. This amendment would permit more citizens to use their homes more efficiently, while not disrupting the character of their neighborhoods.*
- Policy 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. *This amendment will allow more mixed use in our existing neighborhoods, while not changing the residential feel of many of our subdivisions.*
- Policy 2.3.2 **Innovative spaces, spaces of innovation** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry.
- Policy 5.2.1 **Diverse Neighborhoods** Encourage a mix of housing types within Graham, including detached, duplex, multifamily, townhomes, and live-work units.

Planning District

All

Development Type

All

Staff Recommendation

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

- The proposed amendment will allow for a home to be used by the citizen to a higher standard, while not disrupting the residential character of the neighborhood.

From: [Kevin Ingold](#)
To: [Nathan Page](#)
Subject: Re: Home Occupation
Date: Monday, July 23, 2018 11:31:05 AM

Thank you Nathan. Will be in touch.

Kevin Ingold

On Wed, Jul 18, 2018 at 10:56 AM, Nathan Page <npage@cityofgraham.com> wrote:

Kevin,

I spoke with the Planning Board last night, and they are interested in proceeding with an amendment to our development ordinance that will allow a Home Occupation in the C-MXR district. As it stands now, your requested use is not permitted in that zone. I do think this was an oversight when the Ordinance was written, and having spoken with the Board, I think it is likely the amendment will be passed.

I would suggest that you come to their meeting on August 21, and then attend the subsequent City Council meeting on 9/4/2018 in order to speak your case. Both meetings are at 7 PM in the Council Chambers of Graham City Hall.

Nathan

From: Kevin Ingold [mailto:klingold@gmail.com]
Sent: Friday, July 06, 2018 3:07 PM
To: Nathan Page <npage@cityofgraham.com>
Subject: Re: Home Occupation

Nathan, this note is to confirm i dropped off the below documents completed with Debbie at the front desk. Will be in touch.

Thanks!

Kevin Ingold
336-263-3788

Sent from my iPhone

On Jul 5, 2018, at 4:05 PM, Nathan Page <npage@cityofgraham.com> wrote:

Mr. Ingold,

Please fill out the attached Zoning Permit (left side) and Wastewater Survey (both sides). I've also attached the Home Occupation regulations just so you're aware. Please let me know if you have any questions,

Nathan

Nathan Page, CZO

Planning Director for Graham, North Carolina

(336) 570-6705x135 npage@cityofgraham.com

www.cityofgraham.com/departments/planning

<Zoning.pdf>

<WastewaterSurvey.pdf>

<HomeOccupations.pdf>



City Council Decision & Statement of Consistency

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

Home Occupation in CZ (AM1806)

Type of Request
Text Amendment

Meeting Dates
Planning Board on August 21, 2018
City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Life Counseling

Type of Request: Text Amendment

Meeting Dates

Planning Board on July 17, August 21, 2018

City Council on September 4, 2018

Contact Information

William T Hughes

110 W Elm Street Graham NC, 27253

336-228-0226

Summary

William Hughes has proposed permitting Life Counseling to occur within the B-1 District.

Project Name

Life Counseling (AM1805)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Existing Language:

Section 10.16 Definitions

Group Care Facility – A facility with support and supervisory personnel that provides room and board, personal care or habilitation services in a group environment for more than 6 people. Examples include homeless shelters, transitional housing shelters, substance abuse programs or halfway houses. This does not include “Family Care Homes.”

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
Group Care Facility, See Note 23						C	S	S	S	C	S	S		C				C	C	3

Section 10.136 Notes to the Table of Permitted Uses

23. **Group Care Facilities and Group Homes, Development Standards** – Off-street parking, as required by Section 10.240, shall be located to the side and/or rear of the building. Group Care Facilities and Group Homes should be located in areas where employment, goods and services can readily be reached by a variety of means of transportation. Access to transit, a sidewalk network and/or close proximity to employment, goods, and services are encouraged for approval of a special use permit unless the applicant can satisfactorily demonstrate that the intended residents of the group home or facility do not require this service. For halfway houses, there shall be on-site supervision at all times by persons employed by or volunteers trained by the agency operating the halfway house. Rules of conduct shall be established and enforced by the agency operating a halfway house. These rules shall prohibit the use or possession of drugs, alcohol or weapons, as well as disorderly conduct.

Requested Language:**Section 10.16 Definitions**

Life Counseling – Counselors working with individuals in individual settings and in group settings providing counseling and education to assist people charged with and/or convicted of DWI offenses to recognize and create new life behaviors and coping mechanism[s] to avoid self destructive behaviors. The participants come in for sessions. This is not a residential program.

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	
Life Counseling													X								2

Recommended Language:**Section 10.16 Definitions**

Life Counseling – Counselors working with individual(s) or group(s) providing counseling and education in a non-residential setting.

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	
Life Counseling						C			X	C		X	X	C			C	C	C		2

Planning Board Proposed Language:**Section 10.16 Definitions**

Life Counseling – Counselors working with individual(s) or group(s) providing counseling and education in a non-residential setting, as clarified under 10A NCAC 27G.3813. This does not include section .4400, .4403, .4500, nor .4503 which will continue to be included under Group Care Facilities.

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	
Life Counseling						C			X	C		X	X	C			C	C	C		2

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Create vibrant centers, especially downtown

Graham should grow employment and a mix of uses around downtown and focus areas. Vibrant centers create spillover effects and foster small business development and innovation. Create the next generation of employment sanctuaries by facilitating development through public-private partnerships. *This would allow for an additional use downtown which is currently not permitted.*

Planning District

All

Development Type

All

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 recommended language for the text amendment.** The following supports this recommendation:

- The land use impact from a residential facility should be regulated differently than operations that occur during typical business hours.

TO: Planning Department City of Graham
FROM: William T. Hughes
Owner: 108 West Elm Street
TENANT: Life Changes, Inc.
DATE: June 29, 2018

RECEIVED

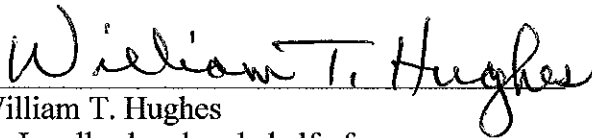
JUN 29 2018

CITY OF GRAHAM
INSP. / P.Z.

We ask the City of Graham through its Planning Department to add a another USE type description for the B-1 district to read as follows:

Life Counseling - Counselors working with individuals in individual settings and in group settings providing counseling and education to assist people charged with and/or convicted of DWI offenses to recognize and create new life behaviors and coping mechanism to avoid self destructive behaviors. The participants come in for sessions. This is not a residential program.

Submitted by:



William T. Hughes
As Landlord and on behalf of
Life changes, Inc.

Office:
110 West Elm Street
336-228-0226
336-264-6399 cell

AM1905

10A NCAC 27G .3813 PLACEMENT CRITERIA FOR ASSESSED DWI CLIENTS

(a) Clients who have completed a DWI substance abuse assessment shall be placed in the appropriate service

(F) ADETS shall be conducted in accordance with the rules established in this Section.

(2) Short-term Outpatient Treatment:

(A) the assessment outcome suggests diagnosis of psychoactive substance abuse only;

(B) the client does not fit all aspects of the diagnosis, but, under certain circumstances, the clinical impression provides reason to conclude that a treatment setting would be more appropriate than ADETS. Some of these circumstances include, but are not limited to:

(i) alcohol concentration is .15 or higher

(ii) refusal of chemical test at time of arrest;

(iii) problems relating to family history of substance abuse;

(iv) other problems which seem to be a contributing factor to DWI behavior, such as grief, loss; and

(v) the client meets the criteria for Level I of the ASAM Placement Criteria;

(C) this category of service requires a minimum of 20 contact hours over a minimum of 30 days. Each client must have services scheduled weekly.

(3) Longer-term Outpatient Treatment:

(A) when a client meets minimal conditions for the diagnosis of "substance dependence";

(B) the criteria for Level I of the ASAM placement criteria are met; and

(C) this category of service requires a minimum of 40 contact hours over a minimum of 60 days. Each client must have services scheduled weekly.

SECTION .4400 – SUBSTANCE ABUSE INTENSIVE OUTPATIENT PROGRAM**10A NCAC 27G .4403 OPERATIONS**

(a) A SAIOP shall operate in a setting separate from the client's residence.

(b) Each SAIOP shall operate at least three hours per day, at least three days per week with a maximum of two days between offered services.

(c) A SAIOP shall provide services a maximum of 19 hours for each client.

(d) Each SAIOP shall provide services a minimum of nine hours per week for each client.

(e) Group counseling shall be provided each day program services are offered.

(f) Each SAIOP shall develop and implement written policies to carry out crisis response for their clients on a face to face and telephonic basis 24 hours a day, seven days a week, which shall include at a minimum the capacity for face to face emergency response within two hours.

(g) Before discharge, the program shall complete a discharge plan and refer each client who has completed services to the level of treatment or rehabilitation as specified in the treatment plan

SECTION .4500 – SUBSTANCE ABUSE COMPREHENSIVE OUTPATIENT TREATMENT PROGRAM**10A NCAC 27G .4503 OPERATIONS**

(a) A SACOT shall operate in a setting separate from the client's residence.

(b) Each SACOT shall provide services a minimum of 20 hours per week.

(c) Each SACOT shall operate at least four hours per day, at least five days per week with a maximum of two days between offered services.

(d) Each SACOT shall provide a structured program of services in the amounts, frequencies and intensities specified in each client's treatment plan.

(e) Group counseling shall be provided each day program services are offered.

(f) Each SACOT shall develop and implement written policies to carry out crisis response for their clients on a face to face and telephonic basis 24 hours a day, seven days a week, which shall include at a minimum the capacity for face to face emergency response within two hours.

(g) Psychiatric consultation shall be available as needed.

(h) Before discharge, the program shall complete a discharge plan and refer each client who has completed services to the level of treatment or rehabilitation as specified in the treatment plan.

NC Division of Mental Health,
Developmental Disabilities, and
Substance Abuse Services

State-Funded Enhanced
Mental Health and Substance
Abuse Services
Date Published: April 1, 2017

Substance Abuse Intensive Outpatient Program (State-Funded):

Level 2.1 Intensive Outpatient Services ASAM Criteria

Service Definition and Required Components

Substance Abuse Intensive Outpatient Program (SAIOP) means structured individual and group addiction activities and services that are provided at an outpatient program designed to assist adults and adolescents to begin recovery and learn skills for recovery maintenance. The program is offered at least 3 hours a day, at least 3 days a week, with no more than 2 consecutive days between offered services, and distinguishes between those individuals needing no more than 19 hours of structured services per week (ASAM Level 2.1). The individual must be in attendance for a minimum of 3 hours a day in order to bill this service. SAIOP services shall include a structured program consisting of, but not limited to, the following services:

- a. Individual counseling and support;
- b. Group counseling and support;
- c. Family counseling, training or support;
- d. Biochemical assays to identify recent drug use (e.g. urine drug screens);
- e. Strategies for relapse prevention to include community and social support systems in treatment;
- f. Life skills;
- g. Crisis contingency planning;
- h. Disease Management; and
- i. Treatment support activities that have been adapted or specifically designed for individuals with physical disabilities; or individuals with co-occurring disorders of mental illness and substance use; or an intellectual and developmental disability and substance use disorder.

SAIOP can be designed for homogenous groups of individuals e.g., pregnant women, and women and their children; individuals with co-occurring mental health and substance use disorders; individuals with human immunodeficiency virus (HIV); or individuals with similar cognitive levels of functioning. Group counseling shall be provided each day SAIOP services are offered.

SAIOP includes:

- a. case management to arrange, link or integrate multiple services; and
- b. assessment and reassessment of the individual's need for services.

SAIOP services also:

- a. inform the individual about benefits, community resources, and services;
- b. assist the individual in accessing benefits and services;
- c. arrange for the individual to receive benefits and services; and
- d. monitor the provision of services.

Individuals may be residents of their own home, a substitute home, or a group care setting; however, the SAIOP must be provided in a setting separate from the individual's residence. The program is provided over a period of several weeks or months.

A service order for SAIOP must be completed by a physician, licensed psychologist, physician assistant or nurse practitioner according to their scope of practice prior to or on the day that the services are to be provided.

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Provider Requirements

SAIOP must be delivered by practitioners employed by substance abuse provider organizations that meet the requirements of 10A NCAC 27G and the provider qualification policies, procedures, and standards established by DMH/DD/SAS. These policies and procedures set forth the administrative, financial, clinical, quality improvement, and information services infrastructure necessary to provide services. Provider organizations shall demonstrate that they meet these standards by being credentialed by the LME-MCO. Additionally, the organization shall achieve national accreditation with at least one of the designated accrediting bodies within one year of enrollment as a provider with the LME-MCO. The organization shall be established as a legally recognized entity in the United States and qualified or registered to do business as a corporate entity in the State of North Carolina, capable of meeting all of the requirements of the LME-MCO credentialing process, DMH/DD/SAS Communication Bulletins, the DMH/DD/SAS *Records Management and Documentation Manual*, and service implementation standards. The provider organization shall comply with all applicable federal and state requirements.

Organizations that provide SAIOP must provide "first responder" crisis response on a 24 hours a day seven days a week 365 days a year basis to individuals who are receiving this service.

Staffing Requirements

Persons who meet the requirements specified for CCS, LCAS, LCAS-A, and CSAC under Article 5C may deliver SAIOP. The program must be under the clinical supervision of a CCS or a LCAS who is on site a minimum of 50% of the hours the service is in operation. Services may also be provided by staff who meet the requirements specified for QP or AP status for Substance Abuse according to 10A NCAC 27G .0104, under the supervision of a CCS or LCAS. The maximum face-to-face staff-to-beneficiary ratio is not more than 12 adult beneficiaries to 1 QP based on an average daily attendance. The ratio for adolescents shall be 1:6. Paraprofessional level providers who meet the requirements for Paraprofessional status according to 10A NCAC 27G .0104 and who have the knowledge, skills, and abilities required for the population and age to be services may deliver SAIOP, under the supervision of a CCS or LCAS. Paraprofessional level providers may not provide services in lieu of on-site service provision by a CCS, LCAS, LCAS-A, CSAC, or QP.

Service Type and Setting

Facility is licensed under 10A NCAC 27G .4400.

Program Requirements

See Service Definition and Required Components.

Utilization Management

The initial 30 calendar days of treatment do not require a prior authorization. Services provided after this initial 30 day "pass-through" period require authorization from the LME-MCO. This pass-through is available only once per treatment episode and only once per state fiscal year. The amount, duration, and frequency of SAIOP service must be included in an individual's authorized PCP. Services may not be delivered less frequently than the structured program set forth in the service description above.

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Reauthorization shall not exceed 60 calendar days. Under exceptional circumstances, one additional reauthorization up to 2 weeks can be approved. This service is billed with a minimum of three hours per day as an event. All utilization review activity shall be documented in the service record.

This service is billed with a minimum of three hours per day as an event.

Eligibility Criteria

The individual is eligible for this service when ALL of the following criteria are met:

- A. There is a substance use disorder diagnosis present;
- B. The individual meets ASAM Level 2.1 criteria.

Continued Service Criteria

The individual is eligible to continue this service if the desired outcome or level of functioning has not been restored, improved, or sustained over the time frame outlined in the individual's PCP or the individual continues to be at risk for relapse based on history or the tenuous nature of the functional gains or any one of the following applies:

- A. The individual has achieved positive life outcomes that support stable and ongoing recovery, and additional goals are indicated.
- B. The individual is making satisfactory progress toward meeting goals.
- C. The individual is making some progress, but the PCP (specific interventions) needs to be modified so that greater gains, which are consistent with the individual's premorbid level of functioning, are possible or can be achieved.
- D. The individual is not making progress; the PCP must be modified to identify more effective interventions
- E. The individual is regressing; the PCP must be modified to identify more effective interventions.

Expected Outcomes

The expected outcome of SAIOP is abstinence. Secondary outcomes include: sustained improvement in health and psychosocial functioning, reduction in any psychiatric symptoms (if present), reduction in public health or safety concerns, and a reduction in the risk of relapse as evidenced by improvement in empirically supported modifiable relapse risk factors.

Documentation Requirements

Minimum standard is a daily full service note for each day of SAIOP that includes the individual's name, Medicaid identification number, date of service, purpose of contact, describes the provider's interventions, the time spent performing the intervention, the effectiveness of interventions, and the signature and credentials of the staff providing the service. A documented discharge plan will be discussed with the individual and included in the record.

Discharge Criteria

The individual meets the criteria for discharge if any one of the following applies:

Individual's level of functioning has improved with respect to the goals outlined in the PCP, inclusive of a transition plan to step down, or no longer benefits, or has the ability to function at this level of care and any of the following applies:

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- A. The individual has achieved positive life outcomes that support stable and ongoing recovery.
- B. The individual is not making progress, or is regressing and all realistic treatment options have been exhausted indicating a need for more intensive services.
- C. The individual no longer wishes to receive SAIOP services.

Service Exclusions and Limitations

SAIOP may not be billed during the same authorization as SA Comprehensive Outpatient Treatment, all detoxification services levels, Non-Medical Community Residential Treatment or Medically Monitored Community Residential Treatment.

Substance Abuse Comprehensive Outpatient Treatment Program (State Funded)

Level 2.5 Partial Hospitalization ASAM Criteria

Service Definition and Required Components

Substance Abuse Comprehensive Outpatient Treatment (SACOT) program means a periodic service that is a time-limited, multi-faceted approach treatment service for adults who require structure and support to achieve and sustain recovery.

SACOT Program is a service emphasizing:

- a. reduction in use of substances or continued abstinence;
- b. the negative consequences of substance use;
- c. development of social support network and necessary lifestyle changes;
- d. educational skills;
- e. vocational skills leading to work activity by reducing substance use as a barrier to employment;
- f. social and interpersonal skills;
- g. improved family functioning;
- h. the understanding of addictive disease; and
- i. the continued commitment to a recovery and maintenance program.

These services are provided during day and evening hours to enable individuals to maintain residence in their community, continue to work or go to school, and to be a part of their family life. The following types of services are included in the SACOT Program:

- a. individual counseling and support;
- b. group counseling and support;
- c. family counseling, training or support;
- d. biochemical assays to identify recent drug use (e.g., urine drug screens);
- e. strategies for relapse prevention to include community and social support systems in treatment;
- f. life skills;
- g. crisis contingency planning;
- h. disease management; and
- i. treatment support activities that have been adapted or specifically designed for individuals with physical disabilities; or individuals with co-occurring disorders of mental illness and substance use; or an intellectual and developmental disability and substance use disorder.

SACOT programs can be designed for homogenous groups of individuals, including:

- a. individuals being detoxed on an outpatient basis;
- b. individuals with chronic relapse issues;
- c. pregnant women, and women and their children;
- d. individuals with co-occurring mental health and substance use disorders;
- e. individuals with HIV; or
- f. individuals with similar cognitive levels of functioning.

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SACOT includes case management to arrange, link or integrate multiple services as well as assessment and reassessment of the individual's need for services. SACOT services also:

- a. inform the individual about benefits, community resources, and services;
- b. assist the individual in accessing benefits and services;
- c. arrange for the individual to receive benefits and services; and
- d. monitor the provision of services.

Individuals receiving SACOT may be residents of their own home, a substitute home, or a group care setting; however, the SACOT Program must be provided in a setting separate from the individual's residence.

A comprehensive clinical assessment is one mechanism to demonstrate medical necessity for a service and to assess and identify an individual's needs. For state-funded services, a service order is recommended. Providers shall coordinate with the LME-MCO regarding their requirements for service orders.

This service must operate at least 20 hours per week and offer a minimum of 4 hours of scheduled services per day, with availability at least 5 days per week with no more than 2 consecutive days without services available. The individual must be in attendance for a minimum of 4 hours a day in order to this for this service. Group counseling services must be offered each day the program operates. Services must be available during both day and evening hours.

A SACOT Program may have variable lengths of stay and reduce each individual's frequency of attendance as recovery becomes established and the individual can resume more and more usual life obligations. The program conducts random drug screening and uses the results of these tests as part of a comprehensive assessment of participants' progress toward goals and for Person Centered Planning.

Provider Requirements

SACOT Programs shall be delivered by a team of practitioners employed by substance abuse provider organizations that meet the requirements of 10A NCAC 27G and the provider qualification policies, procedures, and standards established by DMH/DD/SAS. These policies and procedures set forth the administrative, financial, clinical, quality improvement, and information services infrastructure necessary to provide services. Provider organizations shall demonstrate that they meet these standards by being credentialed by the LME-MCO. Additionally, the organization shall achieve national accreditation with at least one of the designated accrediting bodies within one year of enrollment as a provider with the LME-MCO. The organization shall be established as a legally recognized entity in the United States and qualified or registered to do business as a corporate entity in the State of North Carolina, capable of meeting all of the requirements of the LME-MCO credentialing process, DMH/DD/SAS Communication Bulletins, the DMH/DD/SAS *Records Management and Documentation Manual*, and service implementation standards. The provider organization shall comply with all applicable federal and state requirements.

Organizations that provide SACOT must provide "first responder" crisis response on a 24 hours a day seven days a week 365 days a year basis to individuals who are receiving this service.

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Date Published: April 1, 2017**

Staffing Requirements

Persons who meet the requirements specified for CCS, LCAS, LCAS-A, and CSAC under Article 5C may deliver SACOT Program. The program must be under the clinical supervision of a CCS or LCAS who is on site a minimum of 90% of the hours the service is in operation. Clinical services may also be provided by staff who meet the requirements specified for QP or AP status for Substance Abuse according to 10A NCAC 27G .0104, under the supervision of a CCS or LCAS. The maximum face-to-face staff-to-beneficiary ratio is not more than 10 adult beneficiaries to one QP based on an average daily attendance. Paraprofessional level providers who meet the requirements for paraprofessional status according to 10A NCAC 27G .0104 and who have the knowledge, skills, and abilities required by the population and age to be served may deliver SACOT Program, under the supervision of a CCS or LCAS. Paraprofessional level providers may not provide services in lieu of on-site service provision to beneficiaries by a qualified CCS, LCAS, LCAS-A, CSAC, or QP.

Consultation Services

Individuals receiving the service must have ready access to psychiatric assessment and treatment services when warranted by the presence of symptoms indicating co-occurring substance use and mental health disorders (e.g. major depression, schizophrenia, borderline personality disorder). These services shall be delivered by a psychiatrists who meet requirements as specified in NCAC 27G .0104. The providers shall be familiar with the SACOT Program treatment plan for each individual seen in consultation, shall have access to SACOT Program treatment records for the individual, and shall be able to consult by phone or in person with the CCS, LCAS or CSAC providing SACOT Program services.

Service Type and Setting

Facility licensed in accordance with 10A NCAC 27G .4500.

Program Requirements

See Service Definition and Required Components.

Utilization Management

The initial 60 calendar days of treatment do not require a prior authorization. Services provided after this initial 60 day "pass-through" period require authorization from the LME-MCO. This pass-through is available only once per treatment episode and only once per state fiscal year. The amount, duration, and frequency of SACOT service must be included in the individual's authorized PCP. Services may not be delivered less frequently than the structured program set forth in the service description above.

Reauthorization shall not exceed 60 calendar days. This service is billed with a minimum of four hours per day billed in hourly increments. Utilization management must be performed by the LME-MCO. All utilization review activity shall be documented in the service record.

This service is billed with a minimum of four hours per day billed in hourly increments.

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Abuse Services
Date Published: April 1, 2017**

Eligibility Criteria

The individual is eligible for this service when the following criteria are met:

- A. There is a substance use disorder diagnosis present.

AND

- B. The individual meets ASAM Level 2.5 criteria.

Continued Service Criteria

The individual is eligible to continue this service if the desired outcome or level of functioning has not been restored, improved, or sustained over the time frame outlined in the individual's PCP or the individual continues to be at risk for relapse based on history or the tenuous nature of the functional gains or any one of the following applies:

1. The individual has achieved initial PCP goals and continued service at this level is needed to meet additional goals.
2. The individual is making satisfactory progress toward meeting goals.
3. The individual is making some progress, but the PCP (specific interventions) needs to be modified so that greater gains, which are consistent with the individual's premorbid level of functioning, are possible or can be achieved.
4. The individual is not making progress; the PCP must be modified to identify more effective interventions.
5. Individual is regressing; the PCP must be modified to identify more effective interventions.

AND

Utilization review must be conducted every 30 days and is so documented in the PCP and the service record.

Discharge Criteria

The individual meets the criteria for discharge if any one of the following applies:

The individual's level of functioning has improved with respect to the goals outlined in the PCP, inclusive of a transition plan to step down, or no longer benefits, or has the ability to function at this level of care and any of the following applies:

1. The individual has achieved positive life outcomes that support stable and ongoing recovery.
2. The individual is not making progress, or is regressing and all realistic treatment options have been exhausted indicating a need for more intensive services.
3. The individual or family no longer wishes to receive SACOT services.

Expected Outcomes

The expected outcome is abstinence. Secondary outcomes include: sustained improvement in health and psychosocial functioning, reduction in any psychiatric symptoms (if present), reduction in public health or safety concerns, and a reduction in the risk of relapse as evidenced by improvement in empirically-supported modifiable relapse risk factors. For individuals with co-occurring mental health and substance use disorders, improved functioning is the expected outcome.

Documentation Requirements

Minimum standard is a daily full service note for each day of SACOT that includes the individual's name, Medicaid identification number, date of service, purpose of contact, describes the provider's interventions, the time spent performing the intervention, the effectiveness of interventions, and the signature and credentials of the staff providing the service. A



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.

Life Counseling (AM1805)

Type of Request
Text Amendment

Meeting Dates
Planning Board on July 17, 2018
City Council on August 7, 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**.

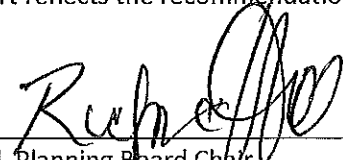
- The application is **consistent** with *The Graham 2035 Comprehensive Plan*.
- The application is **not fully consistent** with *The Graham 2035 Comprehensive Plan*.

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

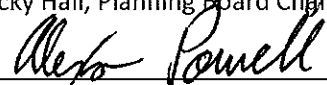
it will benefit the neighborhood greatly.

This report reflects the recommendation of the Planning Board, this the 17th day of July, 2018.

Attest:



Ricky Hall, Planning Board Chair



Debbie Jolly, Secretary
Alexa Powell, Planner



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.

Life Counseling (AM1805)

Type of Request

Text Amendment

Meeting Dates

Planning Board on July 17, 2018, and
August 21, 2018

City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.466

Building Standards

Type of Request: Text Amendment

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 2018

Summary

Tony Holt has requested a change to the Development Ordinance to permit manufactured or mobile units to be used as office space for his location at 327 E Elm Street.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Section 10.466 Building Standards

(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 East Harden 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 East Harden 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 East Harden Street.

Proposed Language:

Section 10.466 Building Standards

~~(a) Manufactured and mobile units shall be prohibited, except for temporary use during construction or for storage of materials during construction.~~

(b) With the exception of manufactured or mobile units, building facades visible from East Harden 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 East Harden 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

Contact Information

Tony Holt

327 E Elm Street, Graham NC 27253

tony@dynayarn.com, 336-437-1542

Project Name

Manufactured and Mobile Units
in the Overlay (AM1807)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

Hwy 54 and Hwy 87

Staff Recommendation

Denial

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 East Harden Street.

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

- Strategy 1.1.1 **Wayfinding and Gateways** Develop an upgraded “wayfinding” and signage system for installation along gateways and corridors. Designate gateways for entrances to the historic downtown area, and further develop plans for public improvements and landscaping in the gateway areas. *The removal of this restriction may result in a less attractive land use pattern within our gateway corridors.*
- Strategy 1.1.3 **East Harden** Prepare a corridor plan to guide development and public investment in the East Harden/NC54 corridor. *With the proposal to widen Highway 54 through to Carrboro currently under development by NCDOT, the City may benefit from an increase in transportation volume. Graham should consider carefully what future uses and built form is permitted in this vicinity.*
- Strategy 2.1.5 **Reduce Barriers** Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development. *The removal of this restriction would remove a barrier to development in the Corridor.*
- Policy 2.3.2 **Innovative spaces, spaces of innovation** Graham promotes the development of flex space, live-work units, and adaptive structures for office, retail, and light industry. *The amendment as written would permit additional potential for property within the Corridor.*
- Strategy 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 amendment would allow for greater usage of existing land, but would reduce the likelihood that the structures within the Corridor would be remodeled.*

Planning District

All

Development Type

All

Staff Recommendation

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

- The proposed amendment will allow for land within our gateways and corridors to become less attractive.

From: [Tony Holt](#)
To: [Nathan Page](#)
Cc: hans-peter.mauch@zimsi.com; darko.sutlar@zimsi.com
Subject: Zimmermann-Dynayarn USA Request
Date: Tuesday, August 28, 2018 2:49:25 AM

Dear Mr. Page,

Please consider this our request to the City of Graham to table our proposed request for ordinance amendment to allow the installation of modular office space on our property along the Harden Street side of our building. We ask that this be tabled until June 2019 at which time we will make a determination with you as to how we may wish to proceed.

Sincerely,

Tony Holt
Managing Director

Zimmermann-Dynayarn USA | P.O. Box 811 | 327 E. Elm Street | Graham, NC 27253 Tel +1 336 437-1542 | Fax +1 336 395-2166 | <http://www.dynayarn.com>

From: [Tony Holt](#)
To: [Nathan Page](#)
Cc: hans-peter.mauch@zimsi.com; darko.sutlar@zimsi.com
Subject: Application -- Request to Present our Plans for Expanding Office Space for Zimmermann-Dynayarn USA
Date: Wednesday, August 01, 2018 6:08:04 PM
Attachments: [xml541 Zimm-Dyna Temporary Office Space 7-26-18.pdf](#)
[xml542 Office Space Concept.pdf](#)

Dear Mr. Page,

Please accept this as our formal request to the City of Graham for allowing us to present our plans for quickly expanding office space for Zimmermann-Dynayarn USA. We do not occupy the portion of the building that includes proper office space facilities (occupied by Atlantic Custom Container), so we are forced to look outside for the additional space needed during this period of our merger and integration. Our proposal is the best option we have considered to-date as it places our expanded offices in very close proximity to our ongoing operations. Please see the attachments regarding our new office concept.

As I am still working through some of the details for what we may present and while we may define other options in the interim, I wanted to preserve the opportunity to present.

I note from the city website that the application deadline is 8/3/18 and I understand that this email is sufficient for our application. I note other dates on the August calendar and want to make sure I understand the process correctly for when we would present and the appropriate format.

I also acknowledge that you have provided me with references to some of the applicable ordinances for building standards.

Thank you for your attention in this matter.

Respectfully submitted,

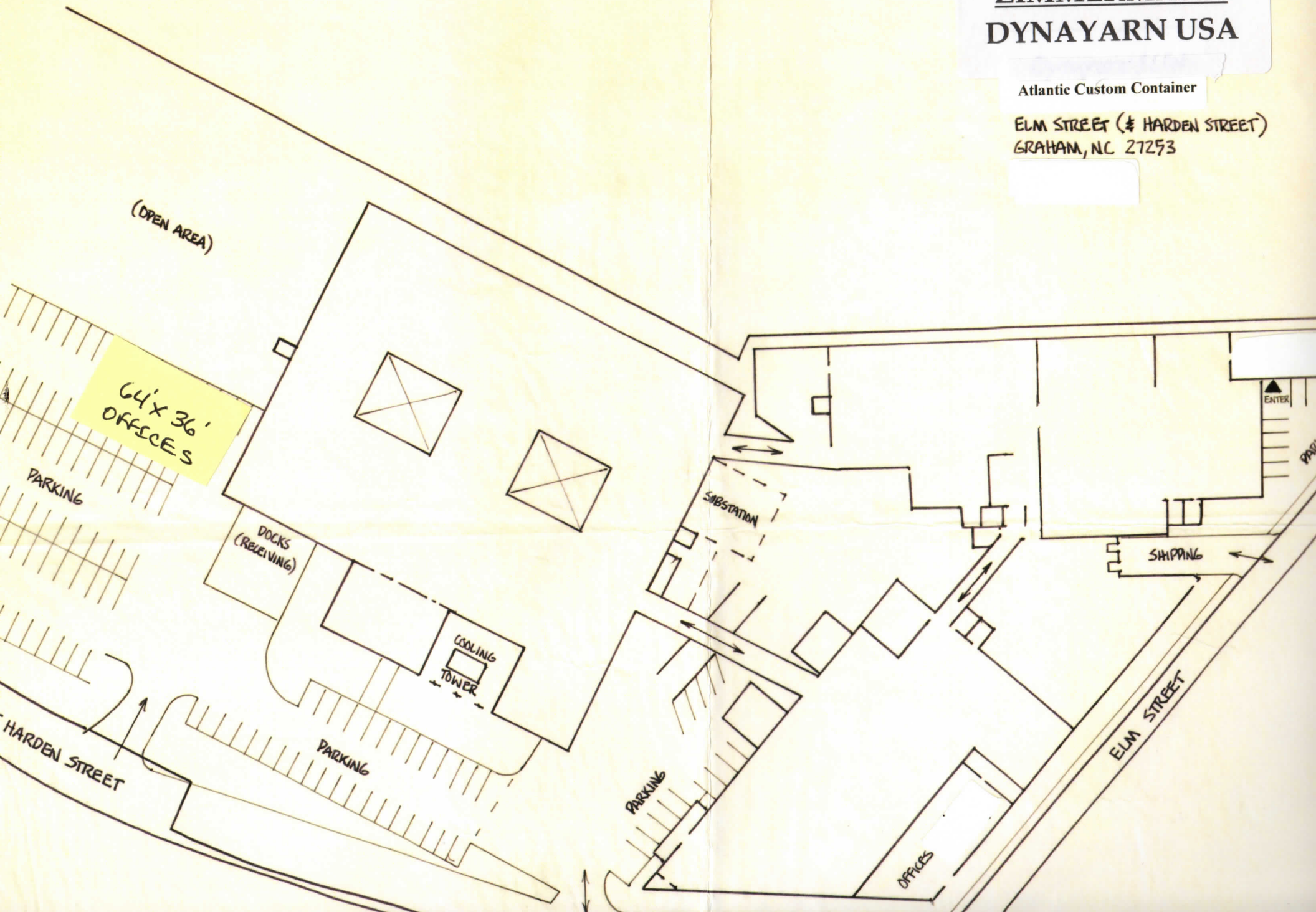
Tony Holt
Managing Director

Zimmermann-Dynayarn USA | P.O. Box 811 | 327 E. Elm Street | Graham, NC 27253 Tel +1 336 437-1542 | Fax +1 336 395-2166 | <http://www.dynayarn.com>

ZIMMERMANN DYNAYARN USA

Atlantic Custom Container

ELM STREET (½ HARDEN STREET)
GRAHAM, NC 27253





64' x 36' REDI-PLEX BUILDINGS

Dimensions

- 64' Long (including hitch)
- 36' Wide

Exterior Finish

- Vertical textured sliding perimeter frame
- Clear span EPDM roof mansard

Interior Finish

- Vinyl covered walls
- Solid core wood doors
- Carpet or tile floor
- Suspended acoustical ceiling
- Wide open shells available
- Optional door locations

Electric

- Recessed diffused fluorescent lights
- Pre-wired sub panels

Heating/Cooling

- Central AC w/ electric, heat ducted supply & return

Windows/Doors

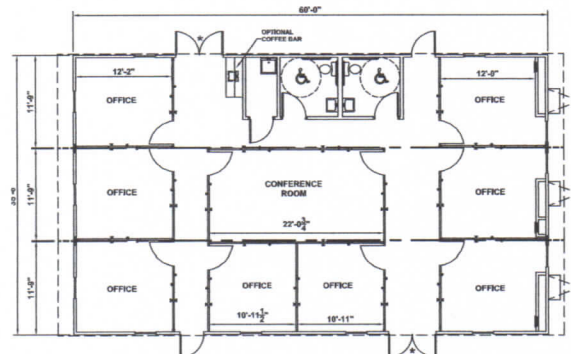
- Vertical slide insulated windows w/ blinds
- Insulated stl door in stl frame w/ vision panel



When you have access to comfortable, convenient office space, your business operations flow more seamlessly. Our 64' x 36' Redi-Plex building can help keep your operations on track and moving forward. Durable, secure and easily configured, our Redi-Plex buildings can be used as healthcare facilities, administrative offices, meeting areas or classroom space. Our 64' x 36' Redi-Plex building features:

- 60' Clear span roof truss
- Suspended acoustical ceiling
- Recessed fluorescent lighting
- Energy efficient windows
- Central HVAC

PRODUCT FLOOR PLAN



* Photos are representational; actual products vary. Additional floor plans and specifications may vary from those shown and are subject to in-stock availability



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.

**Manufactured and Mobile Units in the
Overlay (AM1807)**

Type of Request
Text Amendment

Meeting Dates
Planning Board on August 21, 2018
City Council on September 4, 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:

It is not what I want, but it's the best going forward.

This report reflects the recommendation of the Planning Board, this the 21th day of August, 2018.

Attest:

Ricky C Hall
Ricky Hall, Planning Board Chair

Alexa Powell
Debbie Jolly, Secretary
Alexa Powell, Planner



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.

Manufactured and Mobile Units in the Overlay (AM1807)

Type of Request

Text Amendment

Meeting Dates

Planning Board on August 21, 2018

City Council on September 4, 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 4th day of September, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk