

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, SEPTEMBER 4, 2018  
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 4, 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  
Brian Faucette, Recreation & Parks Director  
Johnny Andrews, Fire Chief

Mayor Jerry Peterman called the meeting to order and presided at 7:00 p.m. Reverend Chris Howell of the Graham First Baptist Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Honorary Presentations:**

➤ ***Appearance Commission Annual Update – Vanessa Coble, Appearance Commission Chair***

Dr. Vanessa Coble, Appearance Commission Chair, presented Council with an update of programs currently handled by this commission. Council Members thanked Dr. Coble and the commission for their efforts.

➤ ***2017 World Tour – Darryl Peebles***

Reverend Darryl Peebles presented a video summary about his Link The World With Love Through Service 2017 World Tour. Additionally, he presented the Alamance County Lions Club, the Graham Fire Department, the Historic Providence Christian Church, Mayor Peterman and City Manager Frankie Maness with a small token of appreciation for their cooperation in the success of this global tribute which honored individuals who serve their communities. The trip covered four continents, 12 nations, 36 cities and 156 presentations in 63 days.

**Consent Agenda:**

- a. ***Approval of Minutes – August 7, 2018***
- b. ***Tax Releases & Refunds***

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

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

*c. Resolution Approving the City of Graham Water Shortage Response Plan*

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

**WHEREAS**, North Carolina General Statute 143-355 (1) 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 (1) 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 4<sup>th</sup> day of September, 2018.

- 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*
- e. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Water Distribution 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.

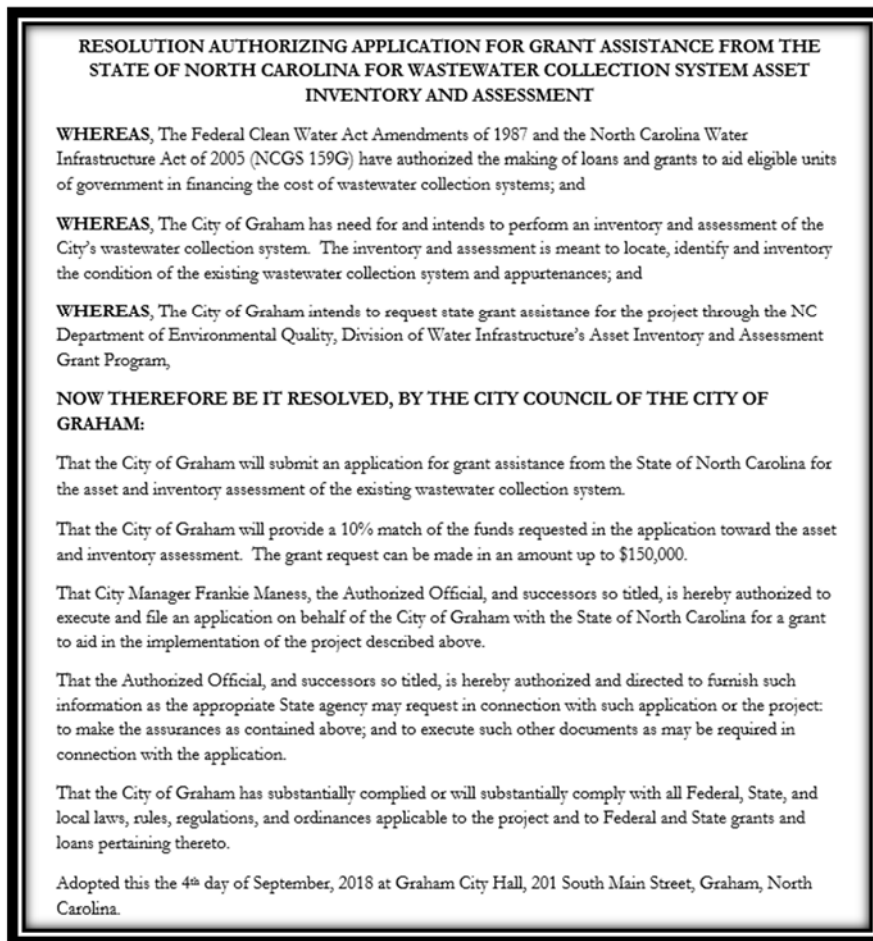
That City Manager Frankie Maness, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the City of Graham with the State of North Carolina for a grant to aid in the implementation of the project described above.

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 4<sup>th</sup> day of September, 2018 at Graham City Hall, 201 South Main Street, Graham, North Carolina.

- f. *Approve Resolution Authorizing Application for Grant Assistance from The State of North Carolina for Wastewater Collection System Asset Inventory and Assessment*



Mayor Peterman asked if anyone would like to pull any items from the Consent Agenda. Mayor Pro Tem Lee Kimrey asked to pull item "c". Mayor Pro Tem Kimrey made a motion to approve items "a", "b", "d", "e" and "f". Council Member Melody Wiggins seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Kimrey asked Mr. Maness about how the Water Shortage Response Plan affects our water agreement with the City of Mebane. Mr. Maness stated that generally anyone who pulls water from the lake adheres to our standards for water preservation. He added that if he had to guess, Mebane's Water Shortage Response Plan is probably very similar to ours. Mayor Pro Tem Kimrey made a motion to approve item "c" on the Consent Agenda, seconded by Council Member Chip Turner. All voted in favor of the motion.

### **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)***

Assistant City Manager Aaron Holland explained that 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.

He added that the surrounding properties are zoned R-18, R-12 and R-9. The total area requesting to be rezoned is approximately 106 acres and the Planning Board has recommended approval.

Council Members and staff briefly discussed any potential changes needed to Rogers Road to accommodate this project would be addressed during the Technical Review Committee (TRC) meeting(s) and how this project is consistent with The Graham 2035 Comprehensive Plan. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Mr. Greg Garrett of 221 Jamestown Road Winston-Salem stepped forward to address Council. He spoke on behalf of Shugart Enterprises and stated that they have completed multiple projects in Graham and they look forward to building in Graham again. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: In Suburban Residential type it would provide connected and efficient development. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Following the vote, Mrs. Dixie Rogers stepped forward as the current property owner in the above matter. Mrs. Rogers stated that they have made arrangements for 40 acres of land to remain farm land.

***b. Public Hearing: Approve Resolution Ordering Closure of Unopened Portion of East Parker Street***

Mr. Holland explained that the Isley family is requesting the removal of a proposed roadway which bisects their land on East 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. He added that last month Council approved a resolution authorizing the process to begin closure. Tonight the request is to approve the resolution to close the unopened portion of East Parker Street.

Council Members and staff spent time discussing items shown on the plat included in the agenda packet, specifically a pump station. Mr. Holland and Mr. Maness advised that there are no current plans for a pump station in this area. City Attorney Keith Whited clarified that a property owner can put anything labeled “proposed” on a plat, but that does not mean the City proposed it. Also discussed was whether or not plans for a turnaround for emergency vehicles was needed.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing. Mayor Peterman asked Fire Chief Johnny Andrews what he thought about this closure. Mr. Andrews expressed some concern with people possibly using this area for parking. He stated that firetrucks can get in and out of there without any issues. With no further comments forthcoming, Council Member Griffin McClure made a motion to approve the Resolution Ordering the Closing of East Parker Street, seconded by Council Member Wiggins. All voted in favor of the motion.

### A RESOLUTION ORDERING THE CLOSING OF EAST PARKER STREET

**WHEREAS**, on the 7<sup>th</sup> 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 7<sup>th</sup> 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.

BK 3807 PG 0579

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 G. McClure and duly seconded by M. Wiggins, the above resolution was duly adopted by the City Council at a meeting held on the 4<sup>th</sup> day of September 2018, in the City Hall.

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

Mayor Gerald Peterman

Mayor Pro Tem Lee Kimrey

Council Member Chip Turner

Council Member Griffin McClure

Council Member Melody Wiggins

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

- 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*

Mr. Holland explained the requested action is to approve the Annexation Ordinance to extend the corporate limits of Graham for a lot located on Governor Scott Farm Road. He added that the area being considered for annexation is between Kimrey Road, Governor Scott Farm Road and Senator Ralph Scott Parkway (approximately 70 acres). Water and Sewer are both available at this location and approval of an annexation ordinance is the final step in the annexation process.

Council Members and staff briefly discussed parcels located within the North Carolina Commerce Park (NCCP) and the agreement in place with the City of Mebane as to who takes responsibility for parcels wishing to be annexed into either City. Mayor Peterman opened the Public Hearing.

Mr. Buddy Seymour of 5603 New Garden Village Drive Greensboro stepped forward on behalf of the petitioner. He stated that he has been working with the property owner for quite some time and looks forward to approval so that they can continue with their plans for the construction of an industrial site development. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member McClure made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for a lot bounded by Kimrey Rd, Governor Scott Farm Road, and Senator Ralph Scott Parkway, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

## 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 4<sup>th</sup> day of September, 2018.

### **Recommendation 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)***

Mr. Holland explained that this request is for the construction of 178 new homes on approximately 106 acres. He added that the property is within the Suburban Residential development type and this project proposes approximately 1.6 dwelling units per acre. Mr. Holland advised that the Planning Board recommended approval and staff recommends approval in conjunction with TRC approvals.

Following a general discussion between Council Members and staff, Mayor Peterman opened the Public Hearing. Mr. Garrett and Mr. Chris Foust of 1851 South Main Street Graham stepped forward and answered questions Council Members had with regards to secondary access and the types of houses being proposed for this project. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion to recommend approval 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 application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: 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. Council Member Turner seconded the motion and all voted in favor of the motion.

***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)***

Mr. Holland explained that now that Council earlier in the meeting annexed this property into the City, it needs zoning. The recommended zoning is Light Industrial (I-1) which is consistent with the other parcels in the area.

Following a brief discussion between Council Members and staff about whether or not we need an Overlay District within the NCCP, Mayor Peterman opened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and asked for clarification of an Overlay District. As he understood from the beginning, the residents in that area were assured that they would not automatically be included as an industrial development and that each property owner could decide whether or not they decide to sell property for an industrial purpose or some other purpose. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Melody Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: 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. Council Member McClure seconded the motion and all voted in favor of the motion.

***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)***

Mr. Holland explained that this request is to rezone the property at 206 East Elm Street from B-2 General Business to B-1 Central Business. He added 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.” By rezoning this property to B-1, it would allow for the structure to be rebuilt within the same footprint. Staff is also requesting to rezone the City’s adjoining parking lot at 200 East Elm Street to provide continuity of the Downtown zoning district so as to not have gaps along that stretch. He advised that the Planning Board recommended approval.

Mayor Pro Tem Kimrey disclosed that prior to realizing this property requesting a rezoning, he been in communication with the property owner about purchasing this property. He asked that he be recused. Mayor Peterman made a motion to recuse Mayor Pro Tem Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

With no questions from Council forthcoming, Mayor Peterman opened the Public Hearing. Mr. Haywood Simpson stepped forward as the current property owner and applicant for this rezoning. He indicated that the front building is a total loss and without rezoning, he cannot rebuild it with the current zoning law.

Mr. Boney stepped forward and asked if there was any particular reason why there is a request to also rezone the City’s parking lot. Mayor Peterman stated that it was to keep zoning consistent in this area. Mr. Boney asked if all City parking lots in the downtown area are zoned B-1. Mr. Holland advised that all but the parking lot located here at the City Hall complex are B-1. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved and the application is consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion. Mayor Pro Tem Kimrey rejoined the meeting.

***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***

Mr. Holland explained that Kevin Ingold proposes to amend the Development Ordinance, Article IV, Division 6, Section 10.135. Home Occupation. This amendment is proposed to permit Home Occupations within our Conditionally zoned residential areas. He stated that Mr. Ingold was not present at the Planning Board meeting and the Planning Board recommended tabling this item until next month.

Mayor Peterman opened the Public Hearing. Council Member McClure made a motion to continue this hearing until next month, seconded by Council Member Turner. All voted in favor of the motion.

***e. Public Hearing: Life Counseling (AM1805). Request from William Hughes to permit Life Counseling to occur within the B-1 District***

Mr. Holland explained that Life Counseling is not spelled out in our Ordinance. The closest use is Group Care Facility and Group Homes, which have pretty strict regulations. Mr. William Hughes requested language specifically for Life Counseling. Different options were presented to the Planning Board and they recommended that the following language be added to the Development Ordinance's Table of Permitted Uses:

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.

Council Member and staff discussed the various options presented to the Planning Board. Council Members expressed concern with the language recommended by the Planning Board, believing it to be too specific. Following this brief discussion, Mayor Peterman opened the Public Hearing.

Mr. Boney stepped forward and stated that he believed that the Planning Board took issue with more intense types of counseling that neither the applicant nor other businesses within the City are currently doing. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the text amendment be approved with the staff recommended language, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: The land use impact from a residential facility should be regulated differently than operations that occur during typical business hours. Council Member Wiggins seconded the motion and all voted in favor of the motion.

***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***

Mr. Holland explained that Mr. 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 East Elm Street. Mr. Holland informed Council that our current language only permits these types of structures during construction or for storage of materials during construction. He advised Council that Mr. Holt has requested that Council table this agenda item until June 2019.

Council Members briefly discussed their concerns for allowing manufactured or mobile homes in our Overlay District and the request to table an item for the length of time Mr. Holt requested. Council Members agreed that action needs to be taken at tonight's meeting. With no further discussion, Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member Wiggins made a motion that the text amendment be denied and the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan. Council Member Turner seconded the motion and all voted in favor of the motion.

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

Council Member McClure inquired about the Veteran's Day Parade. Mr. Maness advised that the Police Department processes parade applications.

Mayor Peterman asked Recreation and Parks Director Brian Faucette to talk about the upcoming Story Walk event ribbon cutting taking place at 4:00 p.m. on September 5, 2018 at the Goley Street Field. Mr. Faucette advised that this project is spearheaded through the United Way by way of a grant funded by the Carolina Panthers football team.

Mayor Peterman asked Mr. Maness if the Downtown Development Coordinator position had been filled. Mr. Maness advised that Mrs. Mary Faucette has been hired and will assume her new role on September 17, 2018. He added that Mrs. Faucette does bring experience in Downtown environments and event planning and we look forward to Mary joining our staff.

At 8:49 p.m. Council Member Turner made a motion to adjourn, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

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Darcy Sperry, City Clerk