

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

1. Honorary Proclamation & Presentation:

- Alamance Christian School Varsity Girls Basketball Team
- Graham Historical Museum Advisory Board Update

2. Consent Agenda:

- a. Approval of Minutes – October 2, 2018 Regular Session
- b. Approve Memorandum of Understanding with the City of Burlington for providing Graham with capacity for replication of critical data to a remote location thereby providing a secondary backup as well as a disaster recovery solution
- c. Approve Adoption of Budget Ordinance Amendment for Fiscal Year 2018-2019 reducing the Non-Departmental Appropriations to \$971,000
- d. Approve request from ALCOVETS to close the city parking lot located at the corner of East Elm Street and North Marshall Street beginning at 9:00 pm on November 7, 2018 through November 10, 2018 to allow for operation rides following inspection by the state, pending the receipt of certificate of liability insurance listing the City of Graham as additional insured
- e. Approve request from ALCOVETS to close the 100 and 200 blocks of East Elm Street., to include the intersection of North Marshall Street and East Elm Street., from 7:00 am until 8:00 pm on November 10, 2018, pending the receipt of certificate of liability insurance listing the City of Graham as additional insured

3. Old Business:

- a. Highway 54 Corridor Study

4. Recommendations from Planning Board:

- a. First Reading: Amendment to the City of Graham Code of Ordinances Chapter 2, Article II, Division 3, Boards and Commissions
- b. Public Hearing: Text Amendment Appearance Commission and Tree Board (AM1808). Request by the City Council to remove the enabling language for the Appearance Commission and Tree Board from the City of Graham Development Ordinance

5. Amendments to the Traffic Schedules:

- a. Approve Amendment to the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for 100 Block of South Main Street
- b. Approve Amendment to the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for Marshall Street west side from Harden Street south

6. Issues Not on Tonight's Agenda



Proclamation Honoring the Alamance Christian School Varsity Girls Basketball Team

WHEREAS, the 2017-2018 Alamance Christian School Varsity Girls Basketball Team won NCCSA State Championship; and

WHEREAS, the 2017-2018 Alamance Christian School Varsity Girls Basketball Team defeated Faith Christian out of Ramseaur 51-44; and

WHEREAS, this was their first State Championship in 32 years; and

WHEREAS, they finished 25-3 and have a record of 50-5 for the past two seasons.

WHEREAS, we recognize the following team members with great pride:

Jami Edward	Savannah Congdon
Hannah Ingle	Hailey Ingle
Maddie Varga	Victoria Briggs
Amber Pickett	Payton Fincannon
Maryssa Daughtry	Erica Lewis
Eboni Lawson	Kailyn Florence

Head Coach: Paul Burns
Assistant Coaches: Scott Briggs, Jenni Delorge

NOW, THEREFORE, I, Jerry Peterman, Mayor of the City of Graham, do hereby express congratulations for the significant accomplishments achieved by the 2017-2018 Alamance Christian School Varsity Girls Basketball Team and also our gratitude for the pride and recognition they have brought to themselves, Alamance Christian School, and the community.

This the 6th day of November 2018.

Jerry Peterman, Mayor
City of Graham

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, OCTOBER 2, 2018
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, October 2, 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
Mary Faucette, Downtown Development Coordinator

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

City Manager Frankie Maness introduced the City’s new Downtown Development Coordinator Mary Faucette. In the three weeks since joining the City of Graham staff, Mrs. Faucette stated that she has met with several business owners and looks forward to meeting many more in the days to come.

Consent Agenda:

- a. *Approval of Minutes – September 4, 2018 Regular Session*
- b. *Approval of Minutes – September 19, 2018 Special Session*
- c. *Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
OCTOBER COUNCIL MEETING				
ACCT#	YEAR	NAME	REASON FOR RELEASE	AMOUNT RELEASED
597235	2018	EDWARDS, JUSTIN COOK	JET SKI NOT IN CITY OF GRAHAM ON JAN 1	13.08
667214	2018	DBD/MONROE X LLC (PRESS)	VALUE CORRECTION-NON DEPRICIABLES	9.76
28725-1784	2018	CONCEPT BUILDERS		\$159.25
539936-8326	2018	WINDSOR INVESTMENTS LLC		\$5.58
539936-8323	2018	WINDSOR INVESTMENTS LLC	BUILDERS INVENTORY DEFERMENT REMOVED	\$5.07
660352-1457	2018	CENTRAL ALAMANCE SCENIC	& FULL VALUE BILLED TO NEW OWNER	\$6.12
660352-1466	2018	CENTRAL ALAMANCE SCENIC		\$5.71
660352-1458	2018	CENTRAL ALAMANCE SCENIC		\$5.33
660352-1482	2018	CENTRAL ALAMANCE SCENIC		\$5.25
660352-1477	2018	CENTRAL ALAMANCE SCENIC		\$4.55
660352-1480	2018	CENTRAL ALAMANCE SCENIC		\$5.42
660352-1479	2018	CENTRAL ALAMANCE SCENIC		\$4.61
33635	2018	THOMPSON, MATTIE G.	QUALIFIED FOR HOMESTEAD EXEMPTION	200.09
652020	2018	LEBERT, DONALD	QUALIFIED FOR HOMESTEAD EXEMPTION	15.93
539936	2018-8510	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8511	WINDSOR INVESTMENTS LLC	BLDRS INVENTORY DEFERMENT SHOULD NOT	102.38
539936	2018-8512	WINDSOR INVESTMENTS LLC	HAVE BEEN REMOVED, RELEASE BILL	493.38
539936	2018-8513	WINDSOR INVESTMENTS LLC	CREATED ON 9/5/18 THAT WAS BILLED TO THE	102.38
539936	2018-8514	WINDSOR INVESTMENTS LLC	NEW OWNER.	102.38
539936	2018-8515	WINDSOR INVESTMENTS LLC		102.38
539936	2018-8516	WINDSOR INVESTMENTS LLC		102.38
TOTAL RELEASES				1553.41

- d. Approve First United Methodist Church's request to close East Market Street on Sunday, October 28, 2018 from 3:00 p.m.-8:00 p.m. for a Community Trunk-or-Treat event*
- e. Approve Graham Historical Museum Advisory Board Mission Statement*

The Graham Historical Museum will offer an environment that exhibits artifacts in a well-organized and visually appealing setting and shows the unique physical and cultural history that reflects the story of the City of Graham, NC. It will be the goal of the Historical Museum Advisory Board to serve as responsible stewards of all artifacts entrusted to the Museum and use those items to provide educational and informative programs for the public. The Museum will be a resource for scholars, historians and educators as well as history buffs.

- f. Approve Graham Recreation & Parks request for October 11, 2018 to serve as a rain date for the Thursday @ 7 Concert Series*

Council Member Turner made a motion to approve the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Old Business:

- a. **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 at the September 4, 2018 City Council meeting, Council voted to continue this item to this month's meeting. Last month, staff advised that Mr. Ingold had been unable to make the Planning Board's August meeting, therefore the Planning Board had not made a recommendation prior to the Public Hearing. Due to inclement weather, the Planning Board's September meeting was cancelled. Mr. Holland advised that Council could choose to continue the Public Hearing to next month or could proceed with a vote on the matter.

Council Members and staff briefly discussed the overall application of the text amendment and by consensus, chose to proceed with this item. Mayor Peterman reconvened the Public Hearing.

Mr. Tom Boney of the Alamance News stepped forward and expressed concern with the Council's procedure with voting on something when the applicant is not present. Mayor Peterman and Mr. Maness explained that applicants are not required to be at Public Hearings. Council sometimes has questions for the applicant, but with this request, it will have general application throughout the City. With no further questions forthcoming, Mayor Peterman closed the Public Hearing.

Mayor Pro Tem Lee Kimrey advised that he is planning on having a future home office in the B-1 district. Mayor Peterman made a motion to recuse Mayor Pro Tem Kimrey, seconded by Council Member Turner. All voted in favor of the motion.

Council Member Griffin McClure made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: The proposed amendment will allow for a home to be used by the citizen to a higher standard, while not disrupting the residential character of the neighborhood. Council Member Turner seconded the motion and all voted in favor of the motion. Mayor Pro Tem Kimrey rejoined the Council.

Vote 3 for Education Resolution:

Mayor Peterman advised that he was asked to present this resolution to the Council. He advised that during the City's workshops for our Comprehensive Plan, most every resident attending identified the schools as the biggest problem in Graham. He spoke of the positive effect that this bond referendum will have on the citizens of Graham should it pass this November. He concluded by reading a copy of the proposed resolution.

Council Member McClure stated he supports this resolution and Graham supporting this resolution. He stated that he has worked for three years with the school system trying to figure out a solution for Graham and the kids in the public sector. He added that you can make the argument for repurposing old schools, but that is looking back and not looking forward.

Council Member Turner stated that he definitely supports the Graham schools and the construction of a new high school, but expressed concern with this Council approving a resolution.

Mayor Pro Tem Kimrey stated that regardless of where this Council's supports is on this issue individually, he respects the County Commissioners decision to allow every voter to have a voice in this matter. He expressed his support for schools, but had reservations about the language in the proposed resolution. He expressed concern with this Council endorsing a political vote on an issue on behalf of all its citizens.

Council Member Wiggins stated that she sees both sides, however, she feels that the local governing bodies, as elected leaders, should be in support of this resolution and improving our school system.

With no further discussion forthcoming, Mayor Peterman opened the discussion to the floor.

Mr. Boney expressed concern with some of the language included in the proposed resolution, specifically paragraph four. He stated that he has not seen anything that suggests residents of Graham would go to the proposed new school. Mr. Boney passed out an envelope which contained a letter expressing his concerns, a sample ballot, a copy of the minutes from a March 26, 2018 Alamance County Commissioners meeting, a copy of the resolution passed by the City of Burlington earlier in the day and a copy of the September 27, 2018 edition of the Alamance News.

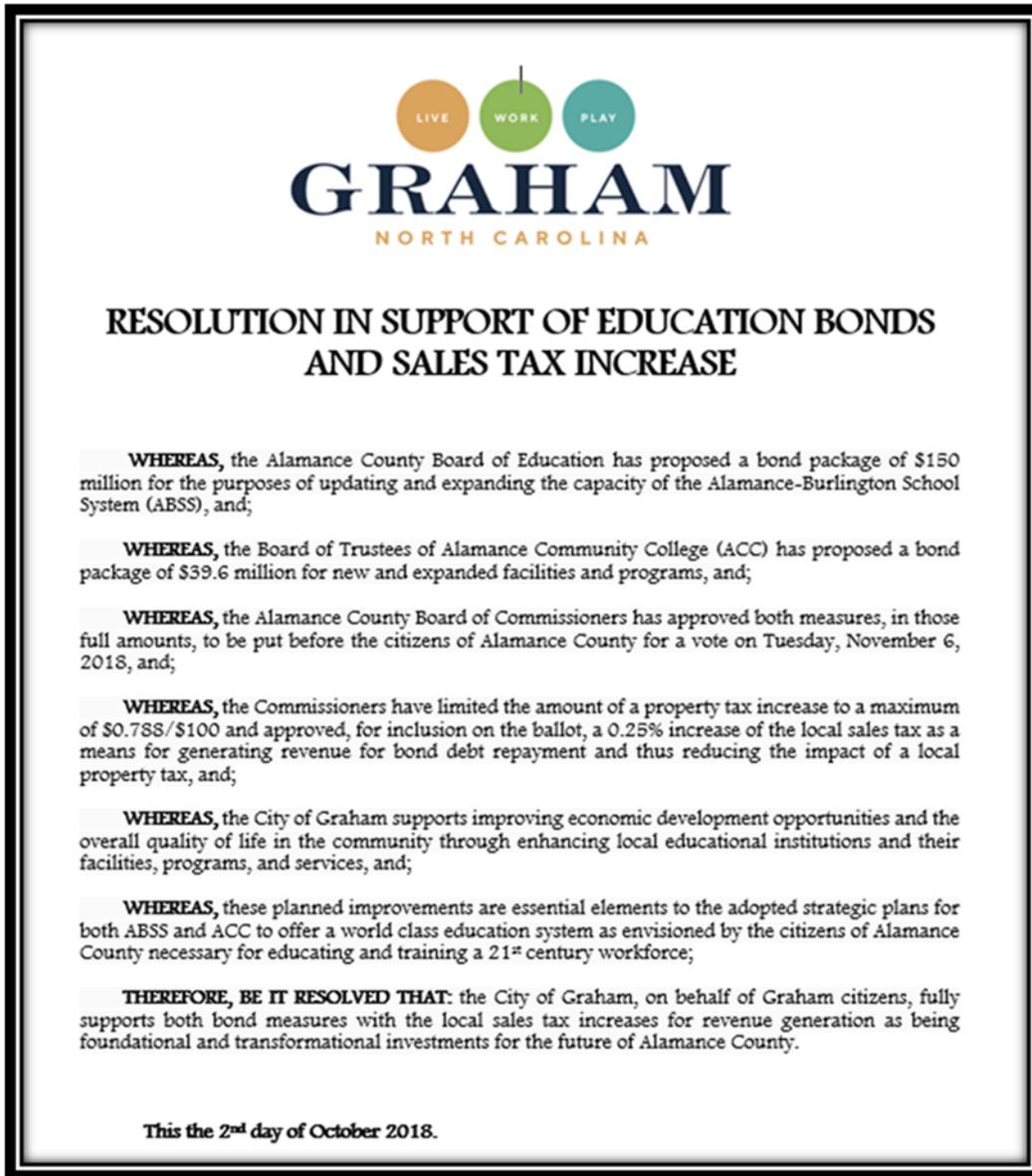
Mr. Jay Martin of 405 Ivey Road Graham stepped forward and expressed his support for the bond. He added that to his knowledge, every Graham City resident would attend the new school.

Council Members continued to debate the issues brought up and worked on amending some of the language in the proposed resolution. Mayor Peterman asked City Clerk Darcy Sperry to read back those proposed changes to the language in this resolution. The change to paragraphs four and seven were as follows:

***WHEREAS,** the Commissioners have expressed an expected impact of a property tax increase to a maximum of 0.0788/\$100 and approved, for inclusion on the ballot, a 0.25% increase of the local sales tax as a means for generating revenue for bond debt repayment and thus reducing the impact of a local property tax, and;*

***THEREFORE, BE IT RESOLVED THAT:** the Graham City Council supports both bond measures.*

Mayor Pro Tem Kimrey made a motion that the original resolution as proposed in the agenda be approved, seconded by Council Member Wiggins. Ayes: Mayor Peterman, Council Member Wiggins and Council Member McClure. Nays: Mayor Pro Tem Kimrey and Council Member Turner. Motion carried 3:2.



ABC Interlocal Agreement Amendment:

City Attorney Keith Whited advised that this amendment to the Interlocal Agreement for Merged “Alamance Municipal Alcoholic Beverage Control System” has been in the works for almost 10 years. He stated that the various parties have been working on cleaning up the original agreement and summarized the proposed changes.

Council Members briefly discussed revenue sharing, membership appointments by the various municipal boards and how the local ABC board is responsible for determining the location of their stores.

Council Member Wiggins made a motion to approve the Third Amended and First Restatement of Interlocal Agreement for Merged “Alamance Municipal Alcoholic Beverage Control Systems”, seconded by Mayor Pro Tem Kimrey. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Ms. Perry Slade of 871 Border Lake Trail Burlington stepped forward to express various concerns with the proposed Mountain Valley Pipeline (MVP) extension that will run across her property. She challenged Council to research the facts that MVP has reported and determine what is true and what is not.

Mr. Jeff Eichinger of 2230 Cherry Lane Graham stepped forward to voice his opposition to the pipeline and challenged Council to take a position opposing it much like the County Commissioners have done.

Mr. Whited mentioned that he failed to advise Council of changes made to the ABC Interlocal Agreement voted on earlier. He stated that the changes were made to page 4, sections 4 & 5, after the agenda packet went out. A copy of those changes were placed in front of each Council Member prior to tonight's meeting. He recommended Council amend their earlier motion to include those changes. Council Member Wiggins amended her previous motion and motioned to approve the agreement with the amended changes, seconded by Mayor Pro Tem Kimrey. All voted in favor of the amended motion.

Council Member McClure stated that he would support a resolution to oppose the MVP project should one come before this Council.

Mayor Pro Tem Kimrey asked for an update on the progress of a Small Area Downtown Plan. Mr. Holland and Mr. Maness advised that request for proposals went out about a week ago and we are starting to field phone calls. Mr. Maness stated that he will forward Council a copy of the request for proposals.

Mayor Peterman reminded everyone that there is a Thursday at 7 concert this Thursday at 7:00 p.m.

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

Darcy Sperry, City Clerk



GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	MOU WITH CITY OF BURLINGTON FOR DATA REPLICATION
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve Memorandum of Understanding with the City of Burlington for Data Replication.

BACKGROUND/SUMMARY:

In recent years, the City of Graham has sought an alternative data replication (disaster recovery) site that is served a by a fiber optic connection. The City of Burlington has agreed to allow us to house the necessary equipment for data replication at their Fire Station #6 and use a strand of their dark fiber to make the connection.

The City of Graham and the City of Burlington have several existing agreements for operations and a longstanding history of cooperation. Some current agreements include; utilities, traffic signalization, animal services and GIS.

FISCAL IMPACT:

None.

STAFF RECOMMENDATION:

Approval. Nearly every function of the City depends on data. Therefore, the preservation and security of our data is among the highest priorities for operations. This agreement will enhance our existing disaster recovery program.

SUGGESTED MOTION(S):

I move we approve the Memorandum of Understanding with the City of Burlington for Data Replication.

NORTH CAROLINA
ALAMANCE COUNTY

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (hereinafter, "MOU" or "Agreement") entered into this _____ day of September, 2018 between the City of Burlington ("Burlington") and the City of Graham ("Graham") for the purpose of providing Graham with capacity for replication of critical data to a remote location thereby providing a secondary backup as well as a disaster recovery solution.

WITNESSETH

WHEREAS, the North Carolina Legislature encourages local governments in the state to work together utilize N.C.G.S. §160A-274, Sale, lease, exchange, and joint use of government property, "(b) Any government unit may, upon such terms and conditions as it deems wise, with or without consideration, exchange with, lease to, lease from, sell to, or purchase from any other government unit any interest in real or personal property."

WHEREAS, N.C.G.S. §160A-272, Lease or rental of property, enables North Carolina municipalities to lease or rent property owned by the city following a determination by the city council that the property is not needed by the city for the term of the lease; and,

WHEREAS, N.C.G.S. 160A-461, Interlocal cooperation encouraged, enables North Carolina local governments to cooperate with one another to pursue undertakings, reading: "Any unit of local government in this State and any one or more other units of local government in this State or any other state (to the extent permitted by the laws of the other state) may enter into contracts or agreements with each other in order to execute any undertaking. The contracts and agreements shall be of reasonable duration, as determined by the participating units, and shall be ratified by resolution of the governing board of each unit spread upon its minutes."

WHEREAS, information technology industry standards recommend that municipalities replicate critical servers and data storage capability at a distant off-site location from its primary server and data storage location; and,

WHEREAS, the City of Burlington has already installed back-up data storage facility away from its own downtown City Hall, utilizing available physical storage space at its Fire Station #6; and,

WHEREAS, Burlington has already installed twenty-four strands of optic fiber between its downtown municipal building and its Fire Station #6 and, at this time, not all strands are being utilized by Burlington, i.e., "dark fiber."

WHEREAS, Fire Station #6 is the most westwardly located secure facility owned by the City of Burlington to which optic fiber is available; and,

WHEREAS, the City of Burlington has already installed optic fiber infrastructure between its downtown municipal building at 421 South Lexington Avenue to its Fire Station #6 located at 3644 Bonner Bridge Parkway for the same security purpose of replicating critical servers and

data storage capability at a distant, off-site location from its primary server and data storage location; and,

WHEREAS, the City of Burlington has fiber capacity that being “dark fiber” between Burlington’s municipal building and Burlington’s Fire Station #6 as well as physical storage space in Fire Station #6 to place a server storage rack; and,

WHEREAS, at this time Burlington has physical storage space available at its Fire Station #6 facility to accommodate such off-site data server storage for the City of Graham; and,

WHEREAS, the City of Graham currently houses its Information Technology (“IT”) function in its municipal building located at 201 South Main Street, Graham, North Carolina; and,

WHEREAS, one strand of optic fiber will provide Graham with the requisite capacity to accomplish its purposes for increased information technology security, namely, disaster recovery for its critical servers and data storage; and,

WHEREAS, there is already in existence optic fiber owned by Alamance County available for Graham’s use providing connectivity from Graham’s downtown municipal building to Burlington’s downtown municipal building; and,

WHEREAS, the alternative for Graham to acquire such information technology security and disaster recovery for its critical servers and data storage is to contract with a private sector corporate entity at considerable annual expense; and,

WHEREAS, each party acknowledges that, if necessary, Graham could acquire such alternative private sector information technology security in less than three months’ time; and,

WHEREAS, the Burlington City Council has determined, following a duly noticed public hearing, that the optic fiber strand and storage space in Fire Station #6 is not needed for the designated initial term and extension period of this lease; and,

WHEREAS, the governing boards of each city to this MOU have ratified the Agreement between the parties; and,

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Burlington shall provide Graham access to one strand of optic fiber (dark fiber) running from its Burlington’s municipal building to its Fire Station #6.
2. Burlington shall provide Graham with adequate designated physical space in its Fire Station #6 facility for Graham to situate a server rack.
3. Graham shall provide an appropriate server rack or enclosure to house Graham’s equipment. Graham’s server rack or enclosure shall be clearly labelled as property of the City of Graham.
4. Burlington shall inform Graham of any optic fiber maintenance or repair issues that will impact Graham’s connectivity to the Fire Station #6 remote site.

5. Burlington shall retain ownership of the strand of optic fiber leased to Graham.
6. The annual cost of the lease of the one strand of optic fiber and Fire Station #6 space is One Dollar (\$1.00).
7. The initial term of this Agreement shall be five (5) years. Thereafter, the parties may agree to renew the Agreement for an additional five-year term, said extension to be in writing and executed by the parties.
8. Either party to this Agreement may terminate the Agreement upon three (3) months' notice.
9. Graham shall utilize the leased optic fiber strand for the stated purpose of providing information technology security and disaster recovery for its critical servers and data storage.
10. Graham shall hold Burlington harmless for any and all loss resulting from the breach of this Agreement including disconnectivity of the optic fiber strand, power loss, equipment failure and Acts of God.
11. Each party shall maintain adequate insurance coverage to protect its respective interests in the subject matter of this Agreement.

IN WITNESS WHEREOF, the City of Graham and the City of Burlington, pursuant to authority duly given, have caused this Agreement to be executed and attested.

CITY OF GRAHAM

Date: _____

By: _____

Mayor

ATTEST:

City Clerk

CITY OF BURLINGTON

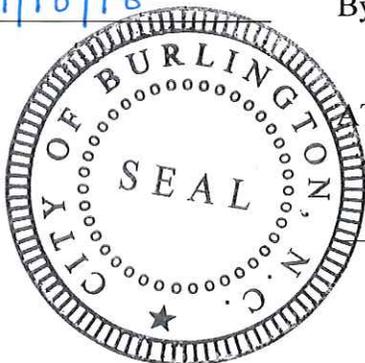
Date: 9/18/18

By: _____

Mayor

ATTEST:

James M. Vance
City Clerk





GRAHAM
NORTH CAROLINA

STAFF REPORT

SUBJECT:	BUDGET AMENDMENT
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Adopt Budget Ordinance Amendment for Fiscal Year 2018-2019 reducing the Non-Departmental Appropriations to \$971,000.

BACKGROUND/SUMMARY:

The Annual Budget Ordinance for the General Fund was adopted on June 5, 2018, for an adjusted total of \$13,014,100. The totals in the actual Budget Ordinance document were reduced by \$60,000 and recorded correctly. However, the same reduction was overlooked in the “Non-departmental” appropriations and remained in the recorded ordinance. To err on the side of caution, a budget amendment is appropriate rather than a technical correction to the minutes.

FISCAL IMPACT:

There is no effective change as the correct amount was recorded in the City’s chart of accounts. No amendment to the Revenues in the Budget Ordinance are required as they were also adjusted and recorded correctly.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we adopt the Budget Ordinance Amendment for Fiscal Year 2018-2019 reducing the Non-Departmental Appropriations to \$971,000.



Budget Ordinance Amendment FY 2018-2019

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

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

NON-DEPARTMENTAL	971,000
FUND TOTAL	13,014,100

Adopted this 6th day of November 2018.

Mayor Jerry Peterman

Attest:



STAFF REPORT

SUBJECT:	CLOSURE OF CITY PARKING LOT LOCATED AT THE CORNER OF NORTH MARSHALL ST AND EAST ELM ST FROM 9:00 PM ON NOVEMBER 7 TH THROUGH NOVEMBER 10, 2018 FOR CARNIVAL RIDES ASSOCIATED WITH THE VETERANS DAY FESTIVAL
PREPARED BY:	LT. DUANE FLOOD, POLICE DEPARTMENT

REQUESTED ACTION:

Approve the closure of the City Parking Lot located at the corner of Marshall St and Elm St from 9:00 pm on November 7, 2018 through November 10, 2018 for Carnival Rides associated with the Veterans Day Festival.

BACKGROUND/SUMMARY:

As part of the Veterans Day Festival to be held on November 10, 2018 members of Alcovets has spoken with Cooke Amusements about bring in a few Carnival rides for the festival. Cooke has expressed interest in coming and participating the event. Alcovets is requesting approval for the closure and usage of the City Parking lot located at the corner of East Elm Street and North Marshall Street for these rides.

Cooke Amusements has requested to be able to bring the rides in early to get them set up and inspected on November 8, 2018 and to be able to operate the rides following the inspection. Cooke is requesting to operate the rides on November 9, 2018 through November 10, 2018.

FISCAL IMPACT:

There is no fiscal impact to the City of Graham related to the closure of this parking lot.

STAFF RECOMMENDATION:

Staff recommends approval. The Veterans Parade and Festival has been a big success and this anticipated event has already gained a lot of public support. The addition of the Carnival Rides within this parking lot will not only draw individuals downtown during the festival on November 10, but also on November 9, 2018.

SUGGESTED MOTION(S):

I MAKE A MOTION TO APPROVE THE CLOSURE OF THE CITY PARKING LOT LOCATED AT THE CORNER OF EAST ELM STREET AND NORTH MARSHALL STREET BEGINNING AT 9:00 PM ON NOVEMBER 7, 2018 THROUGH NOVEMBER 10, 2018 AND TO ALLOW FOR THE OPERATION OF THE RIDES FOLLOWING THE INSPECTION OF THE RIDES BY THE STATE, PENDING THE RECEIPT OF CERTIFICATE OF LIABILITY INSURANCE LISTING THE CITY OF GRAHAM AS ADDITIONAL INSURED.



STAFF REPORT

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

REQUESTED ACTION:

Approve the closure of the 100 and 200 blocks of East Elm Street and the intersection of North Marshall Street and Elm Street from 7 AM- 8 PM on November 10, 2018 for the Veterans Day Festival.

BACKGROUND/SUMMARY:

During the September Council meeting, the City Council approved the closure of the 100 Block of East Elm Street for the Annual Veterans Day Festival in conjunction with the Annual Veterans Day Parade. This event has drawn a lot of interest and has grown significantly since the original request was approved. This request is for additional street closure to include the 200 Block of East Elm Street. With the approval for closure of the 200 Block of East Elm Street, we would also request to close the intersection of North Marshall Street and East Elm Street for the safety of those participating in the event.

In addition to additional road closure, we also request to alter the times from the original request to allow for more time for setup and break down of the event. The original time was from 8 am- 7 pm on November 10, 2018. It is requested that the closure be from 7 am until 8 pm on November 10, 2018.

A Certificate of Liability Insurance listing the City of Graham as additional insured for this event will be obtained.

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 THE 100 AND 200 BLOCKS OF EAST ELM STREET, TO INCLUDE THE INTERSECTION OF NORTH MARSHALL ST. AND EAST ELM STREET, FROM 7:00 AM UNTIL 8:00 PM ON NOVEMBER 10, 2018, PENDING THE RECEIPT OF CERTIFICATE OF LIABILITY INSURANCE LISTING THE CITY OF GRAHAM AS ADDITIONAL INSURED.



STAFF REPORT

SUBJECT:	HIGHWAY 54 CORRIDOR STUDY
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Approve the NC54 West Corridor Study commissioned by the Durham-Chapel Hill-Carrboro MPO and the City of Graham.

BACKGROUND/SUMMARY:

In the fall of 2017, DCHCMPO and the City of Graham funded a study to consider the future of the Highway 54 Corridor between Graham and Carrboro. While there were many competing interests in this plan, the study authors have balanced all entries and concluded that widening to 4 lanes is needed for all of the corridor on or before 2045, with portions closest to the municipalities suggested to be in place before 2035.

This project is needed because some portions of the network are already over-leveraged, and our 2040 projections suggest there will be in excess of 32,000 cars per day towards Interstate 40/85, as well as more than 18,000 per day East of Highway 119. There are increasing congestion concerns due to the growth being experienced in the BGMPO area, and congestion is further exasperated by the growth of employment opportunities in and around UNC-CH.

FISCAL IMPACT:

At this time, none. However, the match which would be required for build out of the plan within the City of Graham's limits would be \$500,000. Approximately \$8,000,000 of federal and state monies would be applied to the project within our jurisdiction, largely for safety improvements along the current 5 lane section of the Highway 54 Corridor. There would be other local matches required for each of the other jurisdictions which are affected.

STAFF RECOMMENDATION:

Approval. Due to the continual development within our area, better transportation infrastructure and connections to employment centers is desirable.

SUGGESTED MOTION(S):

I move we approve the Highway 54 West Corridor Study as completed by VHB in the fall of 2018.

PLANNING ZONING BOARD
Tuesday, October 16, 2018

The Planning & Zoning Board held their regular meeting on Tuesday, October 16, 2018 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Nate Perry, Justin Moody and Eric Crissman. Bonnie Blalock, Ricky Hall and Michael Benesch was absent. Staff members present were Nathan Page, Planning Director, Alexa Powell, Planner and Debbie Jolly, Zoning and Inspection Technician. Vice Chair Ward called the meeting to order, gave the Overview of the Board, general meeting rules and gave the invocation.

1. Approval of the August 21, 2018 meeting minutes. Eric Crissman made a motion for approval, seconded by Justin Moody. All voted in favor.
2. New Business
 - a. AM1808 – Tree and Appearance Boards. Requests by City Council to change and move the language for the Tree Board and Appearance Commission. Nathan Page presented this to the commission. The commission had a brief discussion. Nate Perry made a motion to approve AM1808. Seconded by Eric Crissman. All voted Aye.
3. Old Business
 - a. AM1803 – Entrance Overlays. Discussion by Planning Board with regards to future potential regulations within the City’s gateways. The Board requested staff write draft language which would Preserving and enhancing property values through creation of high quality developments, and present at the November meeting.
4. Review and Potential Update of The Graham 2035 Comprehensive Plan- The Board felt the goals within the 2035 Plan are still appropriate.
5. Public comment or non- agenda items

Eric Crissman made a motion to adjourn. Seconded by Justin Moody. All vote Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Debbie Jolly



GRAHAM

NORTH CAROLINA

STAFF REPORT

SUBJECT:	APPEARANCE COMMISSION AND TREE BOARD
PREPARED BY:	NATHAN PAGE, PLANNING DIRECTOR

REQUESTED ACTION:

Amend Code of Ordinances to add sections regarding the Appearance Commission and the Tree Board.

BACKGROUND/SUMMARY:

City Council requested adding a residency requirement to the Appearance Commission and the Tree Board. As these also regulate potential behavior of residents rather than Land Use, it was suggested that they be moved into the Code of Ordinances. Further, this language will reduce the Appearance Commission to 7 members, which will allow for all members to be seated in the Council Chambers at the same time.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Approval. The language will remove ambiguity concerning residency requirements for those serving on our boards and commissions.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to add Chapter 2 (Administration), Article II, DIVISION 3. Boards and Commissions to the Code of Ordinances to add enabling language for the Appearance Commission and Tree Board.

I move to schedule a second reading of the Ordinance amendment to add Chapter 2 (Administration), Article II, DIVISION 3. Boards and Commissions to the Code of Ordinances to add enabling language for the Appearance Commission and Tree Board for December 4th, 2018.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, ADDING CHAPTER 2, ARTICLE II, DIVISION 3, SEC. 2-56 TO 2-58 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 2-56 to 2-58, which said section shall read as follows:

Chapter 2 – ADMINISTRATION

ARTICLE II.- MAYOR AND CITY COUNCIL

DIVISION 3. Boards and Commissions

Section 2-56. Appearance Commission

Under authority granted by the North Carolina General assembly through §160A-451, there is hereby created a City of Graham Appearance Commission.

(1) Duties

The purpose of the Appearance Commission shall be to serve as an advisor to City Council by identifying and making recommendations for ways to improve the appearance of the City of Graham.

The duties of the Appearance Commission will be to:

- a. serve as an advisory board to the mayor and city council and shall have no administrative duties;
- b. partner with citizens, private organizations, businesses, and government agencies for the purpose of bringing attention to the City of Graham through visual appeal;
- c. promote programs designed to encourage private investment in the revitalization and rehabilitation of existing properties within the corporate limits of Graham;
- d. encourage community involvement by initiating and planning events that will contribute to the City's aesthetic appeal;
- e. The appearance commission may accept gifts or bequests with the approval of city council.

(2) Membership; appointments

The Appearance Commission shall be limited to a total membership of seven (7) residents of the City of Graham at the time of appointment, with up to two (2) members residing in the extraterritorial jurisdiction of Graham.

Members shall be appointed by the Graham City Council upon receipt of a completed application submitted to the city clerk's office. Appearance Commission members shall serve a three-year term and may be appointed to subsequent three-year terms.

(3) Meetings; removal

The Graham Appearance Commission shall hold regularly scheduled meetings on a day and time agreed upon by a majority of the members. A member may be removed for cause by the City Council for reasons including, but not limited to, repeated unexcused absences. If a member is absent or expects to be absent for reasons of health or time out-of-town, that member may request that the absence(s) be excused. Before a member is removed for cause, they shall receive notification from the City Council describing the proposed action and grant said member

an opportunity to state why the action should or should not be taken.

(4) Voting

For any meeting of the Appearance Commission, a quorum consists of a majority of its members. Votes taken by the commission shall “pass” when majority of those members present vote in favor of a motion. If a conflict of interest, as defined under Section 10.2, should arise for a member, they will be required to bring it to the attention of the Commission and abstain from discourse and voting regarding such matters.

(5) Officers

The Appearance Commission shall elect a Chair, Vice-Chair, and Secretary by a majority vote of the Commission members present. Officers will serve for a period of one year or until he/she is re-elected or his/her successor is elected.

Section 2-57. Trees

(1) Definitions

As used in this article:

Park trees shall mean trees, shrubs and bushes in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees shall mean trees, shrubs and bushes on land lying within rights-of-way on either side of all streets, avenues or ways within the city.

(2) Purpose

- (a) The purpose of this article is to regulate the planting, maintenance and removal of trees On city-owned public property and rights-of-way within the city and on city-owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this article provides for the pruning, treatment and removal of trees and shrubs as is deemed necessary by the city council or a person acting under the authority of the city council. This article is also intended to provide for the trimming or removal of trees on public land when they obscure street lights, interfere with utility lines or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.
- (b) Another purpose of this article is to encourage the protection of trees and express the city's intent to use trees to create a more natural and amenable human environment. This article is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the city or on city property.
- (c) This article shall further provide for the establishment of an advisory committee known as the tree board, which shall be responsible for promoting trees and tree care throughout the city and for developing a city tree plan.

(3) Work on city-owned trees generally-License; bond

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee, in an amount fixed from time to time by the city council and kept on file in the office of the city clerk, shall be paid annually in advance; provided, however, that no license shall be required of any public service company, city employee, or contractor hired by the city doing such work in the pursuit of the public service endeavors thereof. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in minimum amounts established by the City for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. *(amended 5/3/2016)*

(4) Same-Permit

It shall be unlawful for any person to prune, treat or remove any street trees or park trees within the city without first filing an application and procuring a permit from the city manager or his/her designee. The city maintains the right to review the application and the tree(s) in question in determining whether or not to issue a permit.

(5) Removal of stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Section 2-58. Tree Board

(1) Created; composition; qualifications

There is hereby created a tree board for the city, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city council. The city horticulturist shall be an ex officio member of the tree board. *(amended 6/6/2017)*

(2) Compensation

Members of the tree board shall serve without compensation.

(3) Operation

The tree board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The tree board shall set a regular schedule for meetings, and the chairman may call a special meeting upon request of a majority of members of the board. A majority of the members shall be a quorum for the transaction of business.

(4) Duties

- (a) It shall be the responsibility of the tree board to study, investigate, counsel, develop, update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan will be presented annually to the city council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the city.
- (b) The tree board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
- (c) The tree board shall furthermore serve as an advisory board to the city council with the following duties and responsibilities:
 - 1 To facilitate the planting, growth and protection of trees within the city.
 - 2 To foster the communication among the citizens of Graham that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the city.
 - 3 To conduct a tree survey of existing trees along streets and on public property within the city.
 - 4 To investigate available grants, loans or contributions from other Governmental agencies, public or private corporations or individuals; and to recommend the expenditure of any proceeds toward the accomplishment of the board's purpose.

5 To conduct continuing research, planning and feasibility studies required to support the purpose stated herein.

- (d) The tree board shall also be responsible for developing an official street tree species list comprised of three groups of trees: Small trees, medium trees and large trees. No trees other than those included in the list may be planted as street trees without permission of the city tree board.
- (e) The tree board shall be responsible for establishing guidelines for the spacing of city trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted from curbs or curblines and sidewalks, the distance street trees may be planted from any street corner, the location of the street trees relative to overhead and underground water lines, sewer lines, transmission lines or other utility, and any other areas involving the spacing of street trees, park trees or city-owned trees.
- (f) The tree board shall submit an annual report of its activities and recommendations to the city council and shall submit copies of its minutes and proceedings of its regular and special meetings.

(5) Public tree care

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The tree board may remove, or cause to be removed, any publicly owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines or other public improvements, or is affected with any disease, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with the guidelines for planting and spacing developed by the tree board. The tree board may reserve the right to approve plantings in right-of-ways.

(6) Review by council

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the tree board to the city council, which may hear the matter and make final decision.

(7) Term; vacancies

The appointed members of the tree board shall have three year terms, except that the term of two of the members appointed to the first board shall be for one year and the term of two members of the first board shall be for two years. In the event that a vacancy occurs during a member's term, his successor shall be appointed for the unexpired portion of the term

(8) Interference with board

It shall be unlawful for any person to prevent, delay or interfere with the city tree board or any of its agents while engaging in planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on public grounds, as authorized in this article.

(9) Tree topping

It shall be unlawful as a normal practice, except as described in this section, for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and to disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are an imminent threat to utility wires or other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the city tree board.

2-59—2-83. - Reserved

(Section added xx/xx/xx).

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

This the _____ day of _____ 2018.

Mayor

ATTEST:

City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Articles VI and VII

Contact Information

Type of Request: Text Amendment

N/A

Meeting Dates

Planning Board on October 16, 2018

City Council on November 6, 2018

Summary

The City Council has recommended some changes to the enabling language for the Appearance Commission and the Tree Board from the Development Ordinance, as well as moving the regulations into the Code of Ordinances.

The following amendments to the Development Ordinance are proposed:

Existing Language:

ARTICLE VI. APPEARANCE COMMISSION

Section 10.290 Created; duties

The purpose of the Appearance Commission shall be to serve as an advisor to City Council by identifying and making recommendations for ways to improve the appearance of the City of Graham.

The duties of the Appearance Commission will be to:

- a. serve as an advisory board to the mayor and city council and shall have no administrative duties;
- b. partner with citizens, private organizations, businesses, and government agencies for the purpose of bringing attention to the City of Graham through visual appeal;
- c. promote programs designed to encourage private investment in the revitalization and rehabilitation of existing properties within the corporate limits of Graham;
- d. encourage community involvement by initiating and planning events that will contribute to the City's aesthetic appeal;
- e. The appearance commission may accept gifts or bequests with the approval of city council.

Section 10.291 Membership; appointments

The Appearance Commission shall be limited to a total membership of nine (9) persons with up to two (2) members residing in the extraterritorial jurisdiction of Graham. Members shall be appointed by the Graham City Council upon receipt of a completed application submitted to the city clerk's office.

Appearance Commission members shall serve a three-year term and may be appointed to subsequent three-year terms.

Project Name

Appearance Commission and Tree Board (AM1808)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Section 10.292 **Meetings; removal**

The Graham Appearance Commission shall hold regularly scheduled meetings on a day and time agreed upon by a majority of the members. A member may be removed for cause by the City Council for reasons including, but not limited to, repeated unexcused absences. If a member is absent or expects to be absent for reasons of health or time out-of-town, that member may request that the absence(s) be excused. Before a member is removed for cause, they shall receive notification from the City Council describing the proposed action and grant said member an opportunity to state why the action should or should not be taken.

Section 10.293 **Voting**

For any meeting of the Appearance Commission, a quorum consists of a majority of its members. Votes taken by the commission shall “pass” when majority of those members present vote in favor of a motion. If a conflict of interest, as defined under Section 10.2, should arise for a member, they will be required to bring it to the attention of the Commission and abstain from discourse and voting regarding such matters.

Section 10.294 **Officers**

The Appearance Commission shall elect a Chair, Vice-Chair, and Secretary by a majority vote of the Commission members present. Officers will serve for a period of one year or until he/she is re-elected or his/her successor is elected.

Section 10.295-10.309 **Reserved** *(amended 6/6/2017)*

ARTICLE VII. TREES

DIVISION 1. GENERALLY

Section 10.310 **Definitions**

As used in this article:

Park trees shall mean trees, shrubs and bushes in public parks having individual names, and all areas owned by the city, or to which the public has free access as a park.

Street trees shall mean trees, shrubs and bushes on land lying within rights-of-way on either side of all streets, avenues or ways within the city.

Section 10.311 **Purpose**

- (a) The purpose of this article is to regulate the planting, maintenance and removal of trees On city-owned public property and rights-of-way within the city and on city-owned property wherever located. In order to protect and conserve trees on public property and rights-of-way, this article provides for the pruning, treatment and removal of trees and shrubs as is deemed necessary by the city council or a person acting under the authority of the city council. This article is also intended to provide for the trimming or removal of trees on public land when they obscure street lights, interfere with utility lines or constitute a hazard to pedestrian or vehicular traffic, or otherwise endanger the public health, safety or welfare.
- (b) Another purpose of this article is to encourage the protection of trees and express the city's intent to use trees to create a more natural and amenable human environment. This article is not intended to be punitive nor to cause hardship to any person who uses the utmost care and diligence to protect trees within the city or on city property.
- (c) This article shall further provide for the establishment of an advisory committee known as the tree board, which shall be responsible for promoting trees and tree care throughout the city and for developing a city tree plan.

Section 10.312 **Work on city-owned trees generally-License; bond**

It shall be unlawful for any person to engage in the business or occupation of pruning, treating or removing street or park trees within the city without first applying for and procuring a license. The license fee, in an amount fixed from time to time by the city council and kept on file in the office of the city clerk, shall be paid annually in advance; provided, however, that no license shall be required of any public service company, city employee, or contractor hired by the city doing such work in the pursuit of the public service endeavors thereof. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in minimum amounts established by the City for bodily injury and property damage indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavors as herein described. *(amended 5/3/2016)*

Section 10.313 **Same-Permit**

It shall be unlawful for any person to prune, treat or remove any street trees or park trees within the city without first filing an application and procuring a permit from the city manager or his/her designee. The city maintains the right to review the application and the tree(s) in question in determining whether or not to issue a permit.

Section 10.314 Removal of stumps

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

Sections 10.315-10.319 Reserved**DIVISION 2. TREE BOARD****Section 10.320 Created; composition; qualifications**

There is hereby created a tree board for the city, which shall consist of five (5) members, citizens and residents of this city, who shall be appointed by the mayor with the approval of the city council. The city horticulturist shall be an ex officio member of the tree board. *(amended 6/6/2017)*

Section 10.321 Compensation

Members of the tree board shall serve without compensation.

Section 10.322 Operation

The tree board shall adopt rules for transaction of its business and shall keep a record of its members' attendance and of its resolutions, discussions, findings and recommendations, which record shall be a public record. The tree board shall set a regular schedule for meetings, and the chairman may call a special meeting upon request of a majority of members of the board. A majority of the members shall be a quorum for the transaction of business.

Section 10.323 Duties

- (a) It shall be the responsibility of the tree board to study, investigate, counsel, develop, update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The plan will be presented annually to the city council and upon its acceptance and approval shall constitute the official comprehensive tree plan for the city.
- (b) The tree board, when requested by the city council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.
- (c) The tree board shall furthermore serve as an advisory board to the city council with the following duties and responsibilities:
 - (1) To facilitate the planting, growth and protection of trees within the city.
 - (2) To foster the communication among the citizens of Graham that would provide the needed protection of trees and to coordinate active measures to support their health and growth within the city.
 - (3) To conduct a tree survey of existing trees along streets and on public property within the city.
 - (4) To investigate available grants, loans or contributions from other Governmental agencies, public or private corporations or individuals; and to recommend the expenditure of any proceeds toward the accomplishment of the board's purpose.

- (5) To conduct continuing research, planning and feasibility studies required to support the purpose stated herein.
- (d) The tree board shall also be responsible for developing an official street tree species list comprised of three groups of trees: Small trees, medium trees and large trees. No trees other than those included in the list may be planted as street trees without permission of the city tree board.
 - (e) The tree board shall be responsible for establishing guidelines for the spacing of city trees in accordance with the three species size classes in the official street tree species list. These guidelines will cover spacing between street trees, the distance street trees may be planted from curbs or curblines and sidewalks, the distance street trees may be planted from any street corner, the location of the street trees relative to overhead and underground water lines, sewer lines, transmission lines or other utility, and any other areas involving the spacing of street trees, park trees or city-owned trees.
 - (f) The tree board shall submit an annual report of its activities and recommendations to the city council and shall submit copies of its minutes and proceedings of its regular and special meetings.

Section 10.324 Public tree care

The city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The tree board may remove, or cause to be removed, any publicly owned tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electrical power lines, gas lines, water lines or other public improvements, or is affected with any disease, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with the guidelines for planting and spacing developed by the tree board. The tree board may reserve the right to approve plantings in right-of-ways.

Section 10.325 Review by council

The city council shall have the right to review the conduct, acts and decisions of the city tree board. Any person may appeal from any ruling or order of the tree board to the city council, which may hear the matter and make final decision.

Section 10.326 Term; vacancies

The appointed members of the tree board shall have three year terms, except that the term of two of the members appointed to the first board shall be for one year and the term of two members of the first board shall be for two years. In the event that a vacancy occurs during a member's term, his successor shall be appointed for the unexpired portion of the term

Section 10.327 Interference with board

It shall be unlawful for any person to prevent, delay or interfere with the city tree board or any of its agents while engaging in planting, cultivation, mulching, pruning, spraying or removing of any street trees, park trees or trees on public grounds, as authorized in this article.

Section 10.328 Tree topping

It shall be unlawful as a normal practice, except as described in this section, for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such

a degree as to remove the normal canopy and to disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are an imminent threat to utility wires or other obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the city tree board.

Sections 10.329–10.334 Reserved

Proposed Language:

Article VI-VII Reserved

Sections 10.290-10.334 Reserved

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Applicable Planning District Policies and Recommendations

- Not Applicable.

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 better regulate behaviors within the Code of Ordinances.



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.

Appearance Commission and Tree Board in Code of Ordinances (AM1808)

Type of Request

Text Amendment

Meeting Dates

Planning Board on October 16, 2018

City Council on November 6, 2018

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

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

I move to recommend **DENIAL**.

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

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

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

This report reflects the recommendation of the Planning Board, this the 16th day of October, 2018.

Attest:

Denn Ward

Ricky Hall, Planning Board Chair

Denn Ward

Debbie Jolly

Debbie Jolly, Secretary



City Council Decision & Statement of Consistency

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

Appearance Commission and Tree Board (AM1808)

Type of Request

Text Amendment

Meeting Dates

Planning Board on October 16, 2018

City Council on November 6, 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 6th day of November, 2018.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk

STAFF REPORT

SUBJECT:	TRAFFIC SCHEDULES MODIFICATION; SOUTH MAIN STREET
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORDINATOR

REQUESTED ACTION:

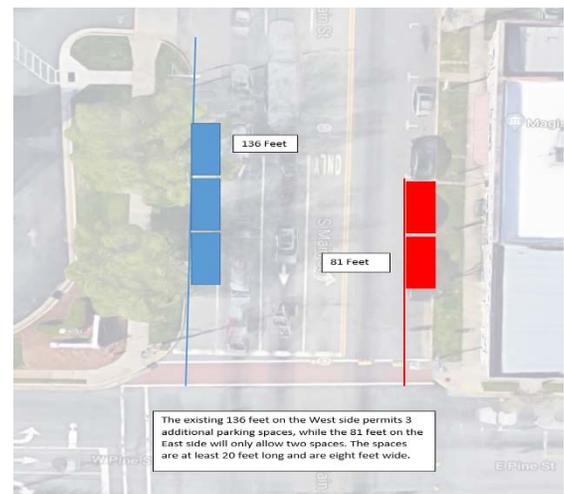
Amend City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for 100 Block of South Main Street.

BACKGROUND/SUMMARY:

In the interest of increasing parking in Downtown, staff has identified an area for the addition of five parking spaces on South Main Street between Court Square and Pine Street. The City of Graham Traffic Schedules currently limit parking in the area closest to Pine Street, therefore an amendment to the Schedules is required to allow for lawful parking.

The addition of the parking spaces on the west side of Main Street would affect traffic circulation by causing the removal of the right turn lane (South Main Street). The removal of the right turn lane is consistent with prior Council approvals to install bike lanes on Pine Street.

City staff from Public Works, Planning and the Police Department have been involved in the ongoing discussions for parking enhancement in downtown Graham. The installment of the additional spots will be subject to the 2-hour limitation found in Section 7 of the Schedules.



FISCAL IMPACT:

Nominal. This space will be maintained by NCDOT, although City staff could be used to paint the initial markings for a faster rollout.

STAFF RECOMMENDATION:

Approval. NCDOT has also conveyed concurrence with the proposed parking additions.

SUGGESTED MOTION(S):

I move to Amend the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for 100 Block of South Main Street to read as follows:

- Main Street (South), east side, north from Pine Street 40 feet.
- Main Street (South), west side, north from Pine Street 35 feet.

STAFF REPORT

SUBJECT:	TRAFFIC SCHEDULES MODIFICATION; MARSHALL STREET
PREPARED BY:	MARY FAUCETTE, DOWNTOWN DEVELOPMENT COORDINATOR

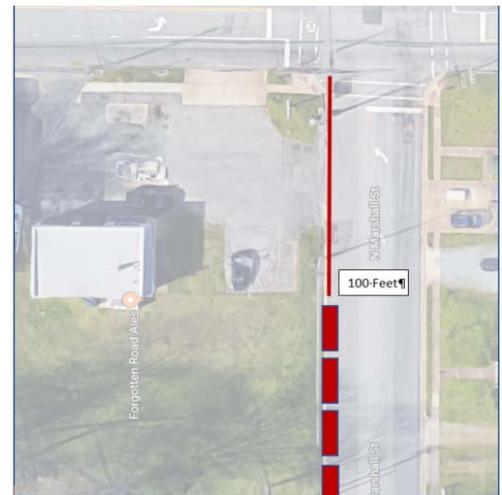
REQUESTED ACTION:

Amend City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for Marshall Street

BACKGROUND/SUMMARY:

Forgotten Road Ales (FRA) requests on street parking from the City of Graham on Marshall Street from the southwest corner of the intersection with East Harden Street on the west side of Marshall Street within the block between Elm Street and Harden Street.

Graham Public Works and Graham Police Department staff view Marshall Street as necessary for the accommodation of truck traffic to provide an alternative to driving around Court Square. However, installing parking spaces 100' from the intersection due to the potential of the heavy truck volume and the relatively tight lane width still permits large trucks to safely navigate the turn and would afford additional parking spaces south of FRA.



FISCAL IMPACT:

Nominal. Actual expense may go down, as there will be less "No Parking" signs to maintain.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move to Amend the City of Graham Traffic Schedules, Section 5: Parking Prohibited at All Times for Marshall Street west side from Harden Street south to read as follows:

- Marshall Street west side, from Harden Street north 100 feet