

City Council Meeting
 Regular Session Agenda
 Tuesday, October 1, 2019
 7:00 P.M.



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

1. Honorary Proclamation:

- Red Ribbon Week

2. Consent Agenda:

- a. Approve Minutes – September 3, 2019 Regular Session
- b. Approve Minutes – September 18, 2019 Special Session
- c. Approve Resolution to Approve and Continue the Traffic Safety Project Contract with The Governor's Highway Safety Program
- d. Approve Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 213 S. Main Street Pursuant to G.S. 160A-272
- e. Approve Request by Alamance Arts for the closure of two (2) parking spaces immediately south of the Alamance County Historic Court House from October 18, 2019 through March 31, 2020 for the Embracing Peace sculpture display
- f. Approve Resolution Authorizing Conveyance of 20 Self Contained Breathing Apparatus (SCBA) Air Packs and 58 Self Contained Breathing Apparatus (SCBA) Bottles to the Graham High School Fire Program Pursuant to G.S. 160A-274

3. Old Business:

- a. Downtown Master Plan
- b. Quasi-judicial Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692)
Item tabled by Planning Board 9/17/19
- c. Second Reading: Approve Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to delete requirement of the City to store removed junk debris for seven days

4. Recommendations from Planning Board:

- a. Public Hearing: AM1904 Boutique Shops. Application by Janet Eckleberger to define Boutique Shops and make them use by right in Neighborhood Business (B-3)
- b. Public Hearing: CR1901 S Main Townhomes. Application by Villane Inc. for 32 townhomes. GPIN 8882397172
- c. Public Hearing: RZ1904 S Main Windsor. Application by David Michaels, Windsor Investments for rezoning from R-18 to R-9. GPIN 8883100157, and part of 8883312515, 8883216464, 8883204297, 8883303914

5. Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation

6. Issues Not on Tonight's Agenda



Proclamation Recognizing Red Ribbon Week

WHEREAS, Alcohol and other substance misuse in this nation has reached epidemic stages affecting people from all communities and of all ages, races, and ethnic backgrounds; and

WHEREAS, It is imperative that visible and unified prevention, education, treatment and recovery efforts, including harm reduction efforts, be launched and supported to eliminate the demand for drugs, to mitigate drug-related harm, promote the health and well-being of all people; and

WHEREAS, Local collaboration of concerned groups, sectors, systems and individuals are working together toward the common goal of enhancing a community of care by addressing the factors in homes, schools and communities that increase the risk of substance misuse and promoting the factors that minimize the risk of substance misuse.

WHEREAS, The National Family Partnership and Alamance Citizens for a Drug Free Community are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to a substance-free lifestyle (no misuse of legal or illegal substances); and

WHEREAS, The National Red Ribbon Campaign will be celebrated in every community in America during “Red Ribbon Week”, October 23-31; and

WHEREAS, Business, government, parents, law enforcement, media, medical, religious institutions, schools, senior citizens, service organizations, youth and others will demonstrate their commitment to healthy, drug-free lifestyles by wearing and displaying Red Ribbons during this week-long campaign; and

WHEREAS, The City of Graham further commits its resources to ensure the success of the Red Ribbon Campaign;

NOW THEREFORE BE IT RESOLVED, that the City of Graham does hereby proclaim October 23-31, 2019, as Red Ribbon Week and encourages its citizens to participate in substance misuse prevention and education activities, making a visible statement that we are strongly committed to a drug-free community.

This the 1st day of October 2019.

Jerry Peterman, Mayor
City of Graham

RED RIBBON THEME



2019 National Red Ribbon Week Theme
"SEND A MESSAGE. STAY DRUG FREE.™"

The Red Ribbon Campaign® is the oldest and largest drug prevention program in the nation, reaching millions of young people during Red Ribbon Week®, October 23rd - October 31st each year.

What Is Red Ribbon Week?

It is an ideal way for people and communities to unite and take a visible stand against drugs. Show your personal commitment to a drug-free lifestyle through the symbol of the Red Ribbon, October 23 - 31st.

Why?

The Red Ribbon Campaign® was started when drug traffickers in Mexico City murdered DEA agent Kiki Camarena in 1985. This began the continuing tradition of displaying Red Ribbons as a symbol of intolerance towards the use of drugs. The mission of the Red Ribbon Campaign® is to present a unified and visible commitment towards the creation of a DRUG - FREE AMERICA.

Who?

National Family Partnership is the sponsor of the National Red Ribbon Week® Celebration. We are helping citizens across the country come together to keep children, families and communities safe, healthy and drug-free, through parent training, networking and sponsoring the National Red Ribbon Campaign®.

Why Support The National Theme?

A theme unifies each year's campaign and helps to broadcast one message, creating a tipping point to change behavior.

How?

Plan a Red Ribbon celebration. Order and display Red Ribbon materials with the National Red Ribbon Theme. Proceeds from the sale of Red Ribbon theme merchandise helps support prevention programs across America. Order for your family, students, staff, patients, employees and customers and encourage them to wear the red ribbon symbol during Red Ribbon Week®, October 23rd - 31st.

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, SEPTEMBER 3, 2019
7:00 P.M.**

The City Council of the City of Graham met in regular session at 7:00 p.m. on Tuesday, September 3, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

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

Also Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Kristy Cole, Assistant Police Chief
Jenni Bost, Zoning Enforcement Officer

Council Member Absent:

Mayor Jerry Peterman

Mayor Pro Tem Lee Kimrey called the meeting to order and presided at 7:00 p.m. Council Member Griffin McClure gave the invocation and everyone stood to recite the Pledge of Allegiance.

Mayor Pro Tem Kimrey asked for consensus to move “Items Not on Tonight’s Agenda” before the “Closed Session” portion of this meeting. Consensus was given.

Consent Agenda:

- a. *Approve Minutes – August 6, 2019 Regular Session*
- b. *Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
29710	2019	SCOGGINS, GARY DEAN	SOLD PROPERTY, RELEASE HOMESTEAD EXEMPTION	209.50
639120	2019	BARKER, THERESA G	QUALIFIED FOR HOMESTEAD EXEMPTION	415.82
661071	2019	SHORT, JOHNNY LEE REVOC TRUST	BUSINESS PP BILLED TO WRONG TAXPAYER	\$170.68
668940	2019	TOMLIN, LILLY O	QUALIFIED FOR HOMESTEAD EXEMPTION	\$501.87
470487	2019	PERRY, EVERETT S. JR	QUALIFIED FOR HOMESTEAD EXEMPTION	\$376.48
667244	2019	HARDIE, JANET L LIFE ESTATE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$201.56
674675	2019	TRAILHEAD CHURCH (P# 134454)	CHURCH EXEMPTION 85% OF PROPERTY	\$1,100.56
674675	2019	TRAILHEAD CHURCH (P# 134731)	PARTIAL CHURCH EXEMPTION-APPLIED LATE	\$65.60
678688	2019	BUCHANAN, SILVIA	QUALIFIED FOR HOMESTEAD EXEMPTION	\$279.56

- c. *Approve Request from Graham First United Methodist Church to close East Market Street from 3:00 p.m. – 8:00 p.m. on Sunday, October 27, 2019 for a Community Event, provided the following conditions are met prior to the event::*
 - i. *Provide a Certificate of Liability insurance meeting all City requirements (received)*
 - ii. *Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Pro Tem Kimrey asked Council Members if they would like to pull any of the items from the Consent Agenda. With no comment forthcoming, he asked to pull item “c”.

Council Member Chip Turner made a motion to approve items “a” and “b” on the Consent Agenda, seconded by Council Member McClure. All voted in favor of the motion.

With respect to item “c”, Mayor Pro Tem Kimrey asked City Manager Frankie Maness to explain the requirement for the Extra Duty Solutions process. Mr. Maness explained this is a program that schedules various personnel for events. The City’s Police Department recently started participating in the program. Assistant Police Chief Kristy Cole stated that the agreement with Extra Duty Solutions takes the scheduling of any extra duty assignment off her department. A brief discussion about when we started using Extra Duty Solutions, cost and billing ensued.

Mayor Pro Tem Kimrey opened the discussion to the floor. Mr. Barry Coe of 214 North Marshall Street Graham stepped forward and asked if there is a price negotiation option available. He also asked if there is an option to have officers from other agencies volunteer their time to a charity event vs. paying Extra Duty Solutions. Assistant Chief Cole advised that one would still have to go through Extra Duty Solutions to make sure of availability and that officers do have the option of donating their pay back to the charity if they so choose.

With no further questions forthcoming, Council Member Wiggins made a motion to approve item “c” on the Consent Agenda, seconded by Council Member Turner. All voted in favor of the motion.

Old Business:

- a. Public Hearing: Petition for Voluntary Contiguous Annexation for a 111.44 acre area off Rogers Road (GPIN 8872986536 & 8873900485) (AN1901):***
 - i. Approve Annexation Ordinance***

Assistant City Manager Aaron Holland explained that this request is to annex in approximately 111 acres off Rogers Road. He added that this property was actually annexed in back in July of 2019 and subsequently Council rescinded that annexation due to a change in ownership of the property. Mr. Holland added that this is the final step in the annexation process.

Mayor Pro Tem Kimrey opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Member Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for an area off Rogers Road, seconded by Council Member McClure. All voted in favor of the motion.

ANNEXATION ORDINANCE
TO EXTEND THE CORPORATE LIMITS
OF THE
CITY OF GRAHAM, NORTH CAROLINA
FOR AN AREA OFF ROGERS ROAD (AN1901)

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 3, 2019, after due notice by publication on August 22, 2019; 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 30, 2019:

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:

DESCRIPTION IS OF THE DIXIE W. ROGERS ETAL PROPERTY AS RECORDED IN DEED BOOK 550, PAGE 473 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 130476 TOGETHER WITH A PORTION OF THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS RECORDED IN DEED BOOK 2512, PAGE 695 OF THE ALAMANCE COUNTY REGISTER OF DEEDS AND BEING PARCEL ID # 131641 AND IS AS FOLLOWS:

BEGINNING AT AN EXISTING IRON PIPE, SAID PIPE HAVING A NC NAD 83 (NSRS2011) COORDINATE OF N:830,321.28, E:1,878,218.84, SAID PIPE ALSO BEING A COMMON CORNER WITH THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613; THENCE WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY

S 64°05'28" E FOR A DISTANCE OF 835.66 FEET TO AN EXISTING 1" PINCH TOP; THENCE CONTINUING WITH THE EASTERN LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY S 64°16'27" E FOR A DISTANCE OF 160.00 FEET TO A CALCULATED POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK, SAID POINT BEING A COMMON CORNER WITH THE SHOFFNER LAND AND TIMBER, LLC PROPERTY AS DESCRIBED IN DEED BOOK 2512, PAGE 695; THENCE WITH THE SHOFFNER LAND AND TIMBER, LLC. PROPERTY S 64°16'27" E FOR A DISTANCE OF 335.12 FEET TO A POINT IN THE CENTERLINE OF LITTLE ALAMANCE CREEK; THENCE THE FOLLOWING TWENTYTWO (22) CALLS TO CALCULATED POINTS IN THE CENTERLINE OF LITTLE ALAMANCE CREEK,

- (1) N 55°15'21" E FOR A DISTANCE OF 54.94 FEET; THENCE
- (2) N 85°15'23" E FOR A DISTANCE OF 148.60 FEET; THENCE
- (3) N 40°16'02" E FOR A DISTANCE OF 115.52 FEET; THENCE
- (4) N 18°10'36" W FOR A DISTANCE OF 154.72 FEET; THENCE
- (5) N 12°52'15" W FOR A DISTANCE OF 256.88 FEET; THENCE
- (6) N 34°43'03" E FOR A DISTANCE OF 75.43 FEET; THENCE WITH THE MARTIN L. SHOFFNER PROPERTY AS RECORDED IN DEED BOOK 3440, PAGE 381,
- (7) S 81°45'47" E FOR A DISTANCE OF 169.58 FEET; THENCE
- (8) S 84°04'09" E FOR A DISTANCE OF 263.67 FEET; THENCE
- (9) S 80°26'01" E FOR A DISTANCE OF 114.19 FEET; THENCE
- (10) S 66°47'27" E FOR A DISTANCE OF 190.33 FEET; THENCE

- (11) S 37°41'56" E FOR A DISTANCE OF 209.62 FEET; THENCE
- (12) S 08°21'10" E FOR A DISTANCE OF 86.52 FEET; THENCE
- (13) S 04°35'47" W FOR A DISTANCE OF 50.86 FEET; THENCE
- (14) S 43°49'02" W FOR A DISTANCE OF 38.22 FEET; THENCE
- (15) S 82°19'35" W FOR A DISTANCE OF 146.52 FEET; THENCE
- (16) S 60°50'31" W FOR A DISTANCE OF 268.25 FEET; THENCE
- (17) S 05°47'09" W FOR A DISTANCE OF 8.69 FEET; THENCE
- (18) S 05°47'09" W FOR A DISTANCE OF 38.96 FEET; THENCE
- (19) S 33°53'21" E FOR A DISTANCE OF 143.51 FEET; THENCE
- (20) S 88°11'32" E FOR A DISTANCE OF 134.20 FEET; THENCE
- (21) S 38°14'39" E FOR A DISTANCE OF 142.86 FEET; THENCE
- (22) S 49°11'57" E FOR A DISTANCE OF 191.62 FEET;

THENCE LEAVING THE CENTERLINE OF LITTLE ALAMANCE CREEK ALONG THE SOUTHERN LINE OF THE FOUNTS FAMILY PROPERTIES, LLC PROPERTY AS DESCRIBED IN DEED BOOK 3520, PAGE 846 S 01°38'44" W FOR A DISTANCE OF 629.73 FEET TO AN EXISTING 1 ½" IRON PIPE, SAID PIPE BEING A COMMON CORNER WITH THE ETHEL C. ROGERS HEIRS PROPERTY AS DESCRIBED IN DEED BOOK 205, PAGE 536; THENCE WITH THE ETHEL C. ROGERS HEIRS PROPERTY THE FOLLOWING FOUR (4) CALLS,

- (1) N 88°54'32" W FOR A DISTANCE OF 131.76 FEET TO AN EXISTING 1 ½" IRON PIPE; THENCE
- (2) S 10°42'15" E FOR A DISTANCE OF 1838.49 FEET TO AN EXISTING ¾" IRON REBAR; THENCE
- (3) S 39°16'16" E FOR A DISTANCE OF 199.48 FEET TO AN EXISTING ½" IRON REBAR; THENCE
- (4) S 39°16'16" E FOR A DISTANCE OF 10.00 FEET TO A CALCULATED POINT ON THE TOP OF BANK OF BIG ALAMANCE CREEK;

THENCE WITH THE TOP OF BANK OF BIG ALAMANCE CREEK THE FOLLOWING SIX (6) CALLS TO CALCULATED POINTS ON THE TOP OF BANK

- (1) S 55°03'43" W FOR A DISTANCE OF 69.03 FEET; THENCE
- (2) S 79°57'14" W FOR A DISTANCE OF 67.12 FEET; THENCE
- (3) N 88°04'58" W FOR A DISTANCE OF 81.66 FEET; THENCE
- (4) S 87°26'28" W FOR A DISTANCE OF 98.46 FEET; THENCE
- (5) N 86°14'49" W FOR A DISTANCE OF 136.25 FEET; THENCE
- (6) S 75°45'24" W FOR A DISTANCE OF 103.48 FEET;

THENCE LEAVING THE TOP OF BANK OF BIG ALAMANCE CREEK ALONG THE EASTERN LINE OF THE FORKS OF ALAMANCE SUBDIVISION PROPERTY AS SHOWN ON PLAT BOOK 78, PAGE 426/427 THE FOLLOWING SEVEN (7) CALLS,

- (1) N 29°16'44" W FOR A DISTANCE OF 167.91 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (2) N 29°16'44" W FOR A DISTANCE OF 1029.54 FEET TO A ¾" EXISTING IRON REBAR; THENCE
- (3) S 76°47'52" W FOR A DISTANCE OF 400.34 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (4) S 76°47'52" W FOR A DISTANCE OF 260.10 FEET TO A 1" EXISTING IRON PIPE; THENCE
- (5) N 03°19'45" W FOR A DISTANCE OF 664.75 FEET TO A ½" EXISTING IRON REBAR; THENCE
- (6) N 03°19'45" W FOR A DISTANCE OF 654.40 FEET TO AN EXISTING STONE; THENCE
- (7) N 51°51'11" W FOR A DISTANCE OF 726.37 FEET TO A ½" EXISTING IRON REBAR,

SAID REBAR BEING A COMMON CORNER WITH THE CECIL AND KRISTI EAKES PROPERTY AS DESCRIBED IN DEED BOOK 2728, PAGE 926; THENCE WITH THE EAKES PROPERTY THE FOLLOWING TWO (2) CALLS,

- (1) N 04°08'29" E FOR A DISTANCE OF 76.80 FEET TO AN IRON REBAR SET; THENCE
- (2) N 85°50'09" W FOR A DISTANCE OF 199.96 FEET TO A ¾" EXISTING IRON PIPE,

SAID IRON PIPE BEING IN THE EASTERN RIGHT OF WAY OF ROGERS ROAD, STATE ROAD # 2309; THENCE WITH THE RIGHT OF WAY OF ROGERS ROAD THE FOLLOWING FOUR (4) CALLS

- (1) ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2896.77 FEET AND A CHORD BEARING AND DISTANCE OF N 01°20'00" E FOR A DISTANCE OF 250.87 FEET TO AN IRON REBAR SET; THENCE
- (2) N 01°19'11" W FOR A DISTANCE OF 238.26 FEET TO AN IRON REBAR SET; THENCE
- (3) N 02°09'46" W FOR A DISTANCE OF 374.54 FEET TO AN IRON REBAR SET; THENCE
- (4) N 00°14'45" W FOR A DISTANCE OF 76.39 FEET TO AN IRON REBAR SET;

THENCE LEAVING THE RIGHT OF WAY OF ROGERS ROAD ALONG THE SOUTHERN PROPERTY LINE OF THE JEAN S BONEY REVOCABLE TRUST PROPERTY AS DESCRIBED IN DEED BOOK 2519, PAGE 613 THE FOLLOWING,

S 64°05'28" E FOR A DISTANCE OF 5.36 FEET TO THE POINT AND PLACE OF BEGINNING AND CONTAINING 111.439 ACRES MORE OR LESS AS SHOWN ON A SURVEY PLAT BY GREEN MOUNTAIN ENGINEERING AND BEING GME PROJECT NUMBER 17-096.

Section 2. Upon and after September 30, 2019, 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 3rd day of September, 2019.

b. Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation
i. Approve Memorandum of Understanding

Mr. Maness explained that at the last meeting, Council and staff discussed this mutual aid agreement with the County. Since the last meeting, staff has had the opportunity to sit with representatives from the Sheriff's Department and County Emergency Management. He stated that while there are other agreements with other entities for the use of the Center, he was reassured that the City of Graham makes all final decisions on who uses our Recreation Center.

Council Members and staff briefly discussed the agreement before Captain Sykes with the Alamance County Sheriff's Office joined the discussion. Captain Sykes advised that his department has an emergency response plan in place. Due to the confidential nature of this plan, he was not at liberty to discuss the details with Council. He did offer that most of the time, they would be looking to evacuate the jail for a structure fire or bomb threat and not during a natural disaster event. He assured Council Members that security would be at the highest level if inmates had to be housed at the Recreation Center for any length of time. Captain Sykes stated that to date, they have never had to evacuate the jail.

Mr. Eric Crissman of 208 Albright Avenue Graham stepped forward and asked if in the event of a mass arrest, would the Center be used. Captain Sykes answered no.

With no further questions forthcoming, Council Member McClure made a motion to Authorize the City Manager to execute a Mutual Aid Memorandum of Understanding with Alamance County for Alamance County Detention Center Evacuation with the addition of an exit clause. Council Member Wiggins seconded the motion and all voted in favor of the motion.

c. Boards & Commissions Task Force Update

Council Member Wiggins provided Council with an update of what the Task Force has been working on to date. She advised that the group has been working on making language in the Code of Ordinances and Development Ordinances similar for all boards and commissions. She anticipates that this should be done within the next couple of months and recommendations will be reviewed by the City Attorney's before being presented to Council.

Requests and Petitions from Citizens:

a. Encroachment License Agreement Request by Paul Crotts to extend the front façade at 135 South Main Street

Mr. Holland explained that this request is to allow the City Manager and City Attorney to enter into an encroachment agreement with Mr. Paul Crotts. According to the letter submitted, this request is to extend the front façade by one foot from the existing front wall. Mr. Holland added that City staff has met with Mr. Crotts at the location and he has been informed that approval from NCDOT will also be required. The Historic Resources Commission granted a Certificate of Appropriateness for this property at their August 13, 2019 meeting.

Council Members and staff briefly discussed the encroachment process in general and the role that NCDOT plays in the process. City Attorney Bryan Coleman advised that the City has the authority to ask for an encroachment to be removed. With no further discussion forthcoming, Mayor Pro Tem Kimrey opened the discussion to the floor.

Mr. Crotts stepped forward and explained that he was making this request because of marketing requirements by La-Z-Boy, whom he sells product for.

Mr. Chuck Talley of 808 Sideview Street Graham stepped forward and stated that he believes City approval sends a strong message to NCDOT.

With no further comments forthcoming, Council Member Wiggins made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Paul Crotts to extend the front façade at 135 S. Main Street as identified by the submitted photos with the following condition(s):

- Provide proof and maintenance of \$1,000,000 in liability insurance with the City as additional insured
- Provide a final survey to confirm approved use of public space
- Improvements under the Encroachment License must be made prior to the expiration of the building permit

Council Member Turner seconded the motion and all voted in favor of the motion.

Recommendations from Planning Board:

a. Public Hearing: RZ1902 Roll Ward Street. Application by Jensen Roll to rezone approximately 0.25 acres from R-12 to R-7 (GPIN 8884130286)

Planning Director Nathan Page explained that this property is surrounded by residential properties and across the street from the rear of the Children’s Museum. This request is to rezone the property to R-7. He added that the stated reason for the rezoning is “Current zoning is larger than the existing lot and I would like to decrease setbacks.” The property appears to be under the required 12,000 square feet for the R-12 zoning. Mr. Page advised that both staff and the Planning Board recommend approval.

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

Mr. Roll of 414 South Maple Street Graham stepped forward and explained that this request is to bring this property into compliance and offer more flexibility with the property.

With no further comments forthcoming, Council Member McClure 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: This is in accordance with Strategies 4.3.1 and 5.2.1. Council Member Wiggins seconded the motion and all voted in favor of the motion.

b. Public Hearing: RZ1903 Albany Street Duplex. Application by Cheaper Homes LLC to rezone approximately 0.25 acres from B-2 to R-7 (GPIN 8874850468)

Mr. Page explained that this property is surrounded by commercial properties. This request is to rezone the property to R-7. He added that the stated reason for the rezoning is “Use lot for 2 single homes.” The property appears to be under the required 11,000 square feet for two single family homes within the B-2 zoning.

Council Members and staff briefly discussed whether or not this request is compliant with The Graham 2035 Comprehensive Plan, as well as, the recommended denial by both the staff and the Planning Board. Council Member discussed spot zoning. With no further discussion forthcoming, Mayor Pro Tem Kimrey opened the Public Hearing.

Mr. David Kudron of Cheaper Homes LLC stepped forward to address Council. He passed out pictures of the existing dwellings on the property and he stated that his plan is to build two single family homes if this rezoning is approved. He stated that he believes the dwellings will sit there and deteriorate if this request is not approved. Mayor Pro Tem Kimrey expressed concern with the effect on the surrounding B-2 properties should this request be approved.

Mr. Norman Thomas of 4205 Alloway Place Fayetteville stepped forward to address Council. He stated this property belonged to his uncle and had been occupied until June 2017. He expressed concern that the reason for denial by the Planning Board was because the applicant was not present at that meeting. Mr. Thomas, the executor of his uncle’s estate, stated that he believes rezoning this property would improve the appearance of the property and add tax value to the City. Mayor Pro Tem Kimrey advised that when there are questions by the Planning Board and the applicant is not present, denial may be justified. With no further comments forthcoming, Mayor Pro Tem Kimrey closed the Public Hearing.

Mayor Pro Tem Kimrey made a motion that the application be denied, the application is not fully consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: In accordance with Policy 2.2.1 and Strategy 4.3.1, this rezoning will restrict the development potential of this lot, as well as negatively impact an adjacent lot. Council Member Wiggins seconded the motion. Council Member McClure stated that he would like to see this matter tabled, to allow time to further research spot zoning. Following another brief discussion by Council Members, Council Members voted on the motion on motion made. Ayes: Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Council Member Turner and Council Member McClure. Motion failed.

Council Member McClure made a motion to table this item, seconded by Council Member Turner. Ayes: Council Member McClure and Council Member Turner. Nays: Mayor Pro Tem Kimrey and Council Member Wiggins. Motion failed. Mr. Coleman advised that with no favorable motion, the request died.

c. Public Hearing: AM1903 Banquet Hall. Application by Aneesa Glines for a text amendment to permit banquet halls with the business and industrial districts

Mr. Page explained that this request is to permit banquet halls within the light industrial zoning districts. Staff looked at the use “banquet hall” and added a recommended definition, as well as, included business parcels, all of the conditional parcels and the office & institutional parcels to the recommendation to amend the Table of Permitted Uses.

Following a brief discussion between Council and staff regarding the B-3 zoning district, Mayor Pro Tem Kimrey opened the Public Hearing.

Mrs. Aneesa Glines of 205 West Harden Street stepped forward to address Council. Mrs. Glines informed Council that she is a wedding planner who recently purchased the property at 205 West Harden Street. She presented a PowerPoint presentation depicting “inspirational photos” for a proposed wedding and event venue.

Council Member McClure asked why the request was to amend our Development Ordinance and not for a Special Use Permit. Mr. Page advised that a Special Use Permit is requested when something might be considered injurious to adjacent neighboring property. After discussing this request with the applicant, it was determined that it might be easier for the applicant to go this route and be able to speak directly to the Council and staff at all stages, versus going the quasi-judicial route. Mayor Pro Tem Kimrey asked the applicant if she was going to leave the industrial look of the building, to which Mrs. Glines replied yes.

Mrs. Jennifer Talley of 808 Sideview Street Graham stepped forward and expressed concern for the lack of off street parking for this property.

With no further comments forthcoming, Council Member 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 2035 Plan, in Strategy 1.2.3, 2.1.5, and Policy 2.3.1 recommends increasing tourism opportunities within the downtown area of Graham. Council Member Wiggins seconded the motion. Mayor Pro Tem made a motion to amend the motion to eliminate the B-3 zoning district, seconded by Council Member Wiggins. All voted in favor of the amended motion.

d. Public Hearing: SUP1902 Moore St Townhomes. Application by Brad Deaton for a Special Use Permit for 61 townhomes (GPIN 8883460674, 8883364585, 8883367692) Item tabled by Planning Board 8/20/19

Mayor Pro Tem Kimrey advised that the Planning Board tabled this item and it was suggested that Council not open the Quasi-Judicial Public Hearing and take on evidence. Upon the direction by Mr. Coleman, Mayor Pro Tem Kimrey asked for a vote to not open the Public Hearing and wait for a recommendation from Planning Board. All voted in favor.

Downtown Small Area Plan Update:

Mayor Pro Tem Kimrey asked Mr. Coleman to read a prepared statement about Financial Conflict of Interest. Mr. Coleman read the following statement:

Financial Conflict of Interest

“I am going to start my response by reading, in part, NCGS 160A-75 entitled VOTING- “No member shall be excused from voting except upon matters involving the consideration of the member’s own financial interest...” This statute demonstrates a strong public policy for council members to vote. If there is a clear financial impact, positively or negatively, that would influence the council member’s vote, the council member may consider requesting the Council to recuse them.

Any financial impact is not the standard for determining whether a council member should be excused from voting. In each case, it will depend on the particular set of facts. We have received some guidance regarding financial conflicts of interest from the School of Government. It states as follows:

“Number of People Affected The range of financial impact on board members can be thought of as a continuum based on the extent to which the effect is unique to the board member, on one end of the spectrum, or experienced by many or most citizens, on the other end. If the effect on the board member is the same as the effect on a significant number of citizens, then it is fair to allow the individual to vote. The board member is affected as part of a larger group of citizens, and the vote can serve to represent that group. This is perhaps the most important factor. Even a significant financial effect may not be disqualifying if it is one that is universally or widely experienced by citizens in the jurisdiction.”

Again, with the statute and the information from the School of Government read together, it is clear that public policy is intended to allow a member to vote if at all possible.”

Mayor Pro Tem Kimrey polled the Council for any conflicts of interest in this matter. Council Member McClure disclosed that he does have financial implications involved with the loading zones, which would directly affect his business and the need to offsite warehouse. He added that he felt that if Council works through the plan and consider the suggestions he would recommend, he would demonstrate impartiality. He added that the financial implications would be nominal to his business. By consensus, Council voted that Council Member McClure would not have to have to be recused.

Mr. Tom Boney of the Alamance News stepped forward and hand delivered a letter to each Council Member, Mr. Maness, Mr. Coleman and City Clerk Darcy Sperry. The letter was a request to have City Attorneys consult with the State Ethics Commission to examine whether certain City Council Members who own property or operate businesses in the downtown area have a conflict of interest in voting on various aspects of the Downtown Plan. Mayor Pro Tem Kimrey advised that Council had attempted to do due diligence by reaching out to the North Carolina School of Government and legal counsel.

Mr. Page explained that the City contracted with Toole Design Group to make recommendations for a Downtown Plan. The most significant portion of the proposed plan is to provide us with an understanding of the needs surrounding our critical infrastructure that includes a sequential approach to improvement that balances all of the pertinent issues to our city. If approved by the City, the plan shall be binding to NCDOT.

Mr. Chris Lambka of Toole Design Group stepped forward to address Council. Mr. Lambka presented Council with a PowerPoint slide presentation outlining their proposed Downtown Master plan. The presentation included the purpose of the plan, the meaningful engagement process, the recommendations provided in the plan, as well as implementation strategies and a phasing schedule. Mr. Lambka advised that this proposed plan was to provide a future path forward for the City, but does not lock the City into the guiding document that it is.

Council Member McClure expressed concern with the proposed roundabout on South Main Street and asked what load of traffic takes a single lane to a multilane roundabout. Mr. Lambka stated that the NCHRP 672 was used as a guiding document. He stated that the intent is to encourage motorists to take advantage of alternate routes to navigate through the downtown area. He stated that future studies may have to be done, but preliminary studies say that a single lane roundabout will hold the capacity needed for the roadway. Council Member McClure asked about a recent NCDOT document regarding cost sharing with the complete street programs and what might be considered pedestrian facilities.

Mr. Page stated that a pedestrian facility might be a shared use path which is included in the plan or all facilities which pedestrians need to use. Concerning cost sharing, Council Member McClure asked if NCDOT would still recognize an adopted plan if Council were to amend it after adoption. Mr. Lambka advised that NCDOT would have to be consulted. Council Member McClure inquired as to where we are in the contract process. Mr. Lambka advised that Toole Design Group has stated from the beginning that they want to be here for the City, not only now, but into the future as well. He added that with the current contract with the City, they are nearing the end with producing a plan. Mr. Lambka stated that this plan is a guiding document that creates a vision and tries to move the City forward. He added that this plan can be amended and changed as the City moves forward into design.

Council Member Turner also inquired about the roundabout proposed for South Main Street, asking what the chances are for NCDOT to actually put one there. Mr. Lambka advised that they have had multiple meetings with NCDOT experts and they were excited about this plan. He added that roundabout's are safer than traditional intersections. Council Member Turner expressed concern with possibly bottlenecking traffic on South Main Street. Mr. Lambka advised that Toole Design Group will have to perform more studies on that, but the preliminary traffic study done says it will work. Council Member Turner expressed concern with Council voting on something that still needs more studies. Mr. Lambka advised that those studies will get more into the weeds of design versus a plan to guide the future. Council Member Turner and Mr. Lambka briefly spoke about valley curb versus tradition curb.

Mayor Pro Tem Kimrey asked Mr. Lambka to explain why all of this is happening. Mr. Lambka referred to the City's aging infrastructure in the downtown area and the benefit of upgrading infrastructure while the asphalt is already open. He also spoke of the benefit of getting a plan adopted so that the City has some control of how NCDOT will come through and resurface roadways. Mr. Lambka pointed to the overall need for safety in the downtown area as well. Mayor Pro Tem Kimrey pointed out that without a plan, the City cannot get in front of the NCDOT repaving and cannot put in water and sewer improvements, which are slated as short-term capital improvements. Mayor Pro Tem Kimrey expressed concern with the cost to taxpayers if we do not have a plan and in 2-3 years have to go in and rip up roadway to make water and sewer improvements. Mayor Pro Tem Kimrey pointed out that the City has had a roundabout in place for years at Court Square. Mr. Lambka stated that Court Square could be considered a glorified roundabout, but it is actually referred to in the industry as a traffic circle. Mayor Pro Tem Kimrey asked if the intent of the proposed roundabout at McAden Street is to divert those vehicles who do not wish to come downtown. Mr. Lambka advised that is the case. Mayor Pro Tem Kimrey and Mr. Lambka briefly spoke of the possibility of creating more parking between McAden Street and Pine Street, as well as, from Pine Street to Court Square with the installation of roundabouts. Mayor Pro Tem Kimrey reminded everyone that this is not an engineered plan, but rather a conceptual one and asked Mr. Lambka about the next phase should this plan be adopted. Mr. Lambka advised that the City continue conversations with NCDOT and encouraged the City to conduct catalyst projects, such as temporarily restriping Court Square and setting up a pocket park in Court Square. He suggested the pocket park be set up for at least 30 days in an effort to gather Court Square activity. Mayor Pro Tem Kimrey and Mr. Lambka briefly discussed engineering and NCDOT's requirements for parking. Mayor Pro Tem Kimrey and Mr. Page briefly talked about public engagement questionnaires that show safety as a high priority with those who wish to travel, walk and shop in our downtown area. Mayor Pro Tem Kimrey talked about the complete streets concept being a statewide initiative for NCDOT.

With no further comments forthcoming, Mayor Pro Tem Kimrey opened the discussion to the floor. The following individuals stepped forward to address the Downtown Master Plan with Council Members:

Roger Ausley – 300 S. Main St. Graham	Rachel Rogers – Sam Lee Rd. Graham
Molly Fudell – 103 N. Main St. Graham	Janee' Farrar – 114 E. Harden St. Graham
Nate Perry – 201 S. Maple St. Graham	Jordan Conklin – 626 Johnson Ave. Graham
Eric Crissman – 208 Albright Ave. Graham	Jason Cox – 200 N. Main St. Graham
A.O. Carmichael – 314 S. Marshall St. Graham	Tony Holt – 327 E. Elm St. Graham
James Gulledege – 3078 Cullens Dr. Graham	Chuck Talley – 808 Sideview St. Graham
Travers Webb – Harden St. Graham	Scott Pickard – 101 Southwood Ct. Graham
Ahmet Cloggy – 115 N. Main St. Graham	Jennifer Talley – 808 Sideview St. Graham
Jeff Leimberger – 213 N. Melville St. Graham	Nicki Smith – 402 S. Maple St. Graham
Bonnie Hutchinson-213 N. Melville St. Graham	Marcy Green – 133 E. Davis St. Burlington
Ann Meletzke – Healthy Alamance	Jan Searls – 526 E. Pine St. Graham
Cary Worthy – 110 Albright Ave. Graham	Elaine Murrin – 1213 Raspberry Run Graham
Gail Miller – 425 Wildwood Dr. Graham	Adam Miller – 921 Hanford Rd. Graham
Paul Harden – 16 NE Ct. Square Graham	Jose Lagunas – 120 S. Main St. Graham
Fred Sternberg – 38 SE Ct. Square Graham	Darlene Morgan – Ct. Square Graham
Jack Williams (no address provided)	Jensen Roll - 414 S. Maple St. Graham
Mark Blalock – 4408 Mt. Hermon Church Rd. Graham	Paul Crotts – 135 S. Main St. Graham

Mrs. Talley presented a petition to Mr. Maness.

Mayor Pro Tem Kimrey made a motion that we adopt the Downtown Master Plan as a guide to plan for the future of the Downtown in the City of Graham with the following conditions:

- This plan highly recommends keeping pull in parking on west and east elm st where possible
- This plan highly recommends maintaining non-restrictive loading zones as close to current as possible
- This plan highly recommends the most yield of 40 angle pull in spaces around the exterior of Court Square while exploring interior parking options also
- This plan eliminate the idea of a splash park around the courthouse
- This idea recommend the fire suppression riser system during water upgrades in the downtown.

Council Member Wiggins seconded the motion.

Mayor Pro Tem Kimrey stated that this plan is a moving target but we need to get in front of NCDOT paving. The recommendations in his motion calls for a net increase in parking. Council Member McClure stated that this plan needs changes made and would like to see a work session before adoption. Council Member Wiggins expressed concern that people may not understand what a conceptual plan is. She stated that we cannot do anything until a plan is adopted. She stated that this plan is merely conceptual and does not have details. She encouraged people to continue talking and stated that this Council is working to better this community. Council Member McClure expressed concern that once adopted, we do not have a mechanism in place to make changes. Council Member

Wiggins stated that we have to take the first step. She added there are some things in this plan she likes, and some things she does not like.

Council Member Turner stated that he agrees with Council Member McClure. He expressed concern with roundabouts, trees and parking around Court Square. He would like to see a work session as well. Council Member Turner is concerned with a plan that makes changes that never get done.

Ayes: Mayor Pro Tem Kimrey and Council Member Wiggins. Nays: Council Member McClure and Council Member Turner. Motion failed 2:2.

Council Member McClure made a motion to table the decision in adopting this plan and ask the City Clerk to work on scheduling a work session before the next meeting, seconded by Council Member Turner.

Council Member McClure stated that he cannot see the logic with being hasty in adopting this plan. He wants to get this plan the best Council can get it before adopting it. He stated that he wants a plan Council can pass.

Ayes: Council Member McClure and Council Member Turner. Nays: Mayor Pro Tem Kimrey and Council Member Wiggins. Motion failed 2:2.

Mayor Pro Tem Kimrey called for a five minute recess. Following the recess, Mayor Pro Tem Kimrey reconvened the regular meeting.

Code of Ordinances:

a. First Reading: Approve Ordinance amendment to CHAPTER 18- STEETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV- EXCAVATION PERMIT of the Code of Ordinances to amend the requirements and permitting process for excavation in the City Right-of-Way

Mr. Holland explained that the City currently has a process described in the Code of Ordinances that requires a permit for anyone wanting to make any opening in any street or sidewalk. This has proven to be insufficient due to utility work being performed not necessarily within the street or sidewalk, but along these areas within the right-of-way. This has created issues with our Public Works and Utilities departments by not being properly informed of work being done and ultimately causing conflicts in the field delaying projects or damaging City infrastructure. Staff has researched communities to evaluate language that would require a permit for any work within the City right-of-way as well as create an application that would be sufficient for the work performed. Staff recommends approval.

Council Member Turner and Mayor Pro Tem Kimrey expressed some concern with the proposed language in this request. Council Member Turner asked about the possibility of requiring an encroachment for repair agreement and provide an indemnity bond. Mr. Holland stated it would be hard to do a blanket encroachment agreement. Mayor Pro Tem Kimrey expressed concern that the proposed language doesn't clearly state what triggers the permit process.

Mr. Talley of 808 Sideview Street Graham stepped forward and asked where in the City is this geared towards. Mr. Maness replied within the corporate limits. He asked if people could not just call 811. Mr. Maness explained that the City is not always notified when someone is digging in the City's right-of-way and this is an attempt to avoid those situations. Mr. Holland advised that our current ordinance references an application, which we currently do not have.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to table this matter until we can better define language that clears up concerns brought forth, seconded by Council Member McClure. All voted in favor of the motion.

b. First Reading: Approve Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to delete requirement of the City to store removed junk debris for seven days

Mr. Holland explained that this request was to make a small change to an ordinance we already have in our Code of Ordinances concerning junk debris. After evaluating the current language, City staff is recommending amending Sec. 12-71 (1) which references the abatement of nuisances by removal of junk debris. The requested amendment is to delete an antiquated requirement of the City to store removed items for seven days. Mr. Holland added that this will allow for a more effective abatement process of junk debris removal from properties refusing to comply by allowing the option for the City to dispose of junk nuisances more expeditiously.

Council Members and staff briefly discussed how often we hold junk debris. Mr. Holland stated he is unaware of that happening during his tenure with the City. Zoning Enforcement Officer Jenni Bost stepped forward and addressed Council. She stated that the reason for this ordinance change is for those who do not show any desire to remove debris and/or clean up their property. Mr. Holland advised that issuing fines/citations is not cleaning up properties. Mayor Pro Tem Kimrey asked Mr. Coleman about the legal ramifications of disposing of personal property. Mr. Coleman advised that the City is within its right to do so, provided ample notification is given.

Mr. Pickard stepped forward and stated he is in support of staff's recommendation.

Mr. Dean Ward of 1143 Challenge Drive Graham stepped forward and stated that he believes there is a North Carolina General Statute requiring the holding of personal property.

Mrs. Talley stepped forward and expressed concern with the mailing of notices regarding junk debris. She stated that she does not believe landlords should be held responsible for what their tenants throw out. Mr. Holland advised that what Mrs. Talley is referring to is handled in a different part of the Code of Ordinances.

With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to table this item, seconded by Council Member Turner. Mayor Pro Tem Kimrey expressed concern from a legal standpoint and would like further research done. Council Member McClure agreed. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Mr. Ron James stepped forward and expressed concern with the possibility of allowing someone from outside the City of Graham to serve on a City of Graham Board or Commission. Council Member Wiggins advised that there are several current boards and commissions that allow for non-residents of the City to serve.

Mr. Boney stepped forward and expressed concern with a recent public records request he made. He stated that he believes he was not given everything he asked for. Mr. Maness advised that all information had been turned over to Mr. Boney.

Closed Session:

At 11:36 p.m., Mayor Pro Tem Kimrey made a motion to go into Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation. Council Member Wiggins seconded the motion and all voted in favor of the motion.

At 12:07 a.m. on September 4, 2019, Mayor Pro Tem Kimrey made a motion to close the Closed Session and reconvene the Regular Session. Council Member McClure seconded the motion and all voted in favor of the motion.

Mr. Maness advised that Council has directed him to follow through with the potential acquisition of this parcel.

At 12:09 a.m., Council Member Wiggins made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk

**CITY OF GRAHAM
SPECIAL SESSION
WEDNESDAY, SEPTEMBER 18, 2019
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Wednesday, September 18, 2019, in the Council Chambers of the Municipal Building located at 201 South Main Street.

Council Members Present:

Mayor Pro Tem Lee Kimrey
Council Member Griffin McClure
Council Member Melody Wiggins

Also Present:

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

Council Members Absent:

Mayor Jerry Peterman & Council Member Chip Turner

Mayor Pro Tem Lee Kimrey called the meeting to order and presided at 6:00 p.m. Council Member Melody Wiggins gave the invocation and everyone stood to recite the Pledge of Allegiance.

Old Business:***a. Downtown Master Plan:******i. Adopt Downtown Master Plan***

Mayor Pro Tem Kimrey disclosed that since the last meeting, he has acquired additional property in the downtown area. He stated that he reached out to the State Ethics Committee as well as the North Carolina School of Government for advice. Based on advice received, he does not feel that a conflict of interest exists. Consensus was given that Mayor Pro Tem Kimrey would not have to be recused.

Mayor Pro Tem Kimrey briefly spoke of the large number of different concepts within the proposed Downtown Master Plan. He stated the he understands how difficult it is to evaluate this plan as a whole. For that reason, he suggested that we take a step back and look at what started this whole process. He stated that early on, we identified the need for water and sewer improvement in our downtown. He asked Council Member Griffin McClure and Council Member Wiggins if they objected to pulling water and sewer infrastructure from this plan and handle this plan one component at a time. Council Member McClure objected and stated that he would like to treat the plan as a whole as it was presented. Council Member Wiggins stated that she believed it to be fair to pick out the water and sewer, adding that is where we started and has been the main intent for the plan. Mayor Pro Tem Kimrey stated that he has heard from members of the community and thinks that due to the several various concepts included in this proposed plan, it might be beneficial to work on one component at a time. Council Member McClure again stated his desire that the entire plan be open for discussion, but added that he would support the consensus of this Council.

Mayor Pro Tem asked City Manager Frankie Maness to speak on the downtown water and sewer in the downtown area. Mr. Maness briefly spoke of discussions that began approximately two years ago with regard to older water and sewer infrastructure. He spoke of the released NCDOT paving schedule and how that sped up those discussions.

Mr. Maness advised that he believes that this proposed plan allows for water and sewer to be pulled and treated by itself to an extent. After speaking of how water and sewer affects the downtown area, Mr. Maness stated that with approval tonight to move forward with water and sewer infrastructure improvements, the next step in the process would be for preliminary engineering and then move onto design engineering. He anticipates that process could take approximately 12-18 months.

In response to questions asked by Council, Mr. Maness spoke about NCDOT’s paving timeframe, water and sewer infrastructure, staff’s support with the proposed water and sewer infrastructure upgrades, cost to taxpayers for water and sewer upgrades after paving, fire suppression, the incentive program for fire suppression, economic development and stormwater runoff in the downtown area. Mayor Pro Tem Kimrey opened the discussion to the floor.

The following individuals stepped forward to address the Downtown Master Plan with Council Members:

Barry Coe – 214 W. Marshall St. Graham	Rick Irby - Graham
Nate Perry – 201 S. Maple St. Graham	Todd Smith – 110 S. Maple St. Graham
Ben Barnhill – 404 Forest Dr. Graham	Paul Harden – 16 NE Ct. Sq. Graham
Paul Keller – 410 Stonehedge Dr. Graham	Scott Pickard – 101 Southwood Ct. Graham
Ronnie Isley – 510 Mendel Ter. Graham	Jay Martin – 405 Ivey Rd. Graham
Gary Stewart – 639 Dixon Rd. Graham	Fred Sternberg – 38 SW Ct. Sq. Graham
Jack Williams – 602 Ward St. Graham	George Adams – 211 Marshall St. Graham
Adam Miller – 202 N. Main St. Graham	Wendy Terrell – 17 SE Ct. Sq. Graham
Leslie Brown – 425 Banks St. Graham	Judy Ward – 483 W. Moore St. Graham

With no further comments forthcoming, Mayor Pro Tem Kimrey made a motion to approve water and sewer and take the remaining part of the plan and table it for now. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Mayor Pro Tem Kimrey called for a two minute recess. Following the recess, Mayor Pro Tem Kimrey reconvened the regular meeting.

b. Second Reading: Ordinance Amendment to CHAPTER 18- STEETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV- EXCAVATION PERMIT of the Code of Ordinances to amend the requirements and permitting process for excavation in the City Right-of-Way

i. Approve Ordinance Amendment

Assistant City Manager Aaron Holland reminded Council that at the last meeting, Council asked to have staff look into the language being proposed. Mr. Holland advised that staff looked at language from other jurisdictions and recommends keeping the proposed language presented.

Council Members and staff briefly discussed eliminating the specifics in the language proposed, allowing flexibility and discretion by staff. Mayor Pro Tem Kimrey opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Council Members briefly discussed a proposed motion with Mayor Pro Tem Kimrey stating the language he proposes reads as follows: No person shall make any excavation or opening in any street, sidewalk or other public space, unless a written permission therefor has been issued by the City by authority of the city manager, provided that a permit shall not be required where such work is performed under a contract with the city, but in the event that it becomes necessary to such work that a sidewalk or street must be wholly or partially obstructed, the person shall notify the Inspections, Public Works, Police and Fire departments at least two hours before obstructing the sidewalk or street, unless prevented by a sudden emergency.

With no further discussion forthcoming, Mayor Pro Tem Kimrey made a motion to approve the Ordinance amendment to CHAPTER 18- STEETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE IV- EXCAVATION PERMIT of the Code of Ordinances to amend the requirements and permitting process for excavation in the City Right-of-Way with the amended language discussed here in the minutes. Council Member Wiggins seconded the motion and all voted in favor of the motion.

Requests and Petitions from Citizens:

a. Request from Janee' Farrar to amend the fee for Temporary Outdoor Sales from \$25 to \$0 for food trucks on private property

Planning Director Nathan Page explained that this request is to amend the fee for Temporary Outdoor Sales on private property. Mr. Page advised that Council could choose to add the fee into a future City Fee Schedule if Council saw fit to do so.

Council Members and staff briefly discussed Temporary Outdoor Sales on both private and public property. Among items discussed were liability insurance, what the current fee covers and the possibility of eliminating the fee for all Temporary Outdoor Sales while still requiring a permit.

Ms. Janee' Farrar of 141 West Harden Street Graham stepped forward to address Council. She stated that food trucks have generated an increase in sales at her business and in turn, generate more tax dollars that go directly back to the City of Graham. Council Member McClure asked Ms. Farrar to describe the permit process. She stated that she fills out the permit and submits it to the Planning Department.

Mr. Coe stepped forward and encouraged Council to remove the fee for all Temporary Outdoor Sales.

Mr. Irby stepped forward and stated that he believes there may be a conflict with private versus public property. He expressed his support for no fee for private property.

Ms. Janet Ecklebarger of 604 Washington Street Graham stepped forward and stated that she thinks the permit process for the City is confusing.

Ms. Jeanie Irby stepped forward and expressed her support for this request.

With no further discussion forthcoming, Council Member Wiggins made a motion to amend the permit fee to \$0 for Temporary Outdoor Sales on private property, seconded by Council Member McClure. All voted in favor of the motion.

Issues Not on Tonight's Agenda:

Mr. Dean Coleman of 2839 Rogers Road Graham stepped forward and expressed concern with the amount of traffic on Rogers Road. He also expressed concern with the increase in housing developments along Rogers Road and the impact that has on the school system. Mr. Coleman encouraged the City to do something and suggested more bike trails and greenways along Rogers Road. Mr. Maness advised that Rogers Road is maintained by NCDOT. He added that there is development pressure on Rogers Road and development is only going to increase. Mr. Maness advised that the City is aware of speeding concerns and increased enforcement efforts along that road have taken place.

Council Member Wiggins stated that while we are in the process of doing our Recreation Master Plan, we need to be concerned with greenways and buffers along our streams and hopes that we continue to look at that. She also recognized Mr. Coleman for his work done in the recreation field and informed everyone that he served as President of the North Carolina Recreation & Parks Association (NCRP) for several years. Council Member Wiggins thanked Mr. Coleman for his help with various projects throughout the City of Graham. She also recognized Graham Recreation & Parks employee Kris Kloepping who recently received the Young Professional Award through the NCRP Association.

Council Member McClure stated his thoughts are with Mayor Jerry Peterman and Council Member Chip Turner.

At 8:10 p.m., Council Member Wiggins made a motion to adjourn, seconded by Council Member McClure. All voted in favor of the motion.

Darcy Sperry, City Clerk

STAFF REPORT

SUBJECT:	RESOLUTION TO CONTINUE THE TRAFFIC SAFETY PROJECT CONTRACT WITH THE GOVERNOR'S HIGHWAY SAFETY PROGRAM
PREPARED BY:	SERGEANT B. T. EDWARDS – PROJECT DIRECTOR

REQUESTED ACTION:

Adopt the Resolution allowing the City to continue the contract with the Governor's Highway Safety Program for the dedicated traffic enforcement unit.

BACKGROUND/SUMMARY:

In the years 2017 and 2018, the Council approved the Governor's Highway Safety Program Grant to provide the City with a dedicated traffic enforcement team to address the growing traffic the City of Graham is witnessing. To allow the City to continue this program and receive financial support from the State, Council should approve this year's Resolution for the Governor's Highway Safety Program.

FISCAL IMPACT:

The City of Graham is required to appropriate \$44,351.00 or 50%, as a match to the \$44,351.00 in Federal funding through the Governor's Highway Safety Program to cover the personnel and direct costs in maintaining the dedicated highway safety unit. The City of Graham is required to maintain the personnel in this and subsequent years as this is the final renewal. No budget amendment is required as the funds were appropriated in the FY 2019-2020 Budget.

STAFF RECOMMENDATION:

Approval. Based on the growing nature of the City of Graham, this is still a valuable resource to the Police Department in the eye of public safety.

SUGGESTED MOTION(S):

I move we adopt the Resolution allowing the City of Graham to continue with the contract with the Governors Highway Safety Program.

RESOLUTION TO APPROVE AND CONTINUE THE TRAFFIC SAFETY PROJECT CONTRACT WITH THE GOVERNOR'S HIGHWAY SAFETY PROGRAM

WHEREAS, The Graham Police Department has completed an application contract for traffic funding; and

WHEREAS, The City of Graham has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED by the Graham City Council in an open meeting assembled in the City of Graham, North Carolina, this 1st day of October 2019, that:

1. That the project referenced above is in the best interests of the Graham City Council and the general public; and
2. That B.T. Edwards (Sergeant) is authorized to file, on behalf of the City of Graham, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$44,351.00 to be made to the City of Graham to assist in defraying the cost of the project described in the contract application; and
3. That the Graham City Council has formally appropriated the cash contribution of \$44,351.00 as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

Adopted this 1st day of October, 2019.

Mayor Jerry Peterman

Attest:



STAFF REPORT

SUBJECT:	ALAMANCE ARTS LEASE
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 213 S. Main Street Pursuant to G.S. 160A-272.

BACKGROUND/SUMMARY:

The City of Graham purchased the Captain James White & Emma Holt White House in 1990 and has leased it to Alamance Arts since 1993. The proposed lease agreement seeks to continue this relationship. Particulars of the proposed lease include a 10-year term, \$1.00 annual rent and that Alamance Arts is responsible for all utilities. The proposed lease the City will continue

The General Statutes ([G.S. 160A-272](#)) allow the City to lease or rent property but requires a 30-day public notice.

FISCAL IMPACT

Negligible. The City currently provides several in-kind services including grounds, building and parking lot maintenance. Certain capital improvements are also provided from time to time. These existing arrangements are proposed to continue under the proposed lease.

STAFF RECOMMENDATION:

Approval. Adoption of the Resolution is the first step in the lease approval process and final authorization may not take place until a 30-day notice period is complete.

SUGGESTED MOTION(S):

I move we approve the Resolution Declaring Intent to Lease City-Owned Surplus Real Property Located at 213 S. Main Street Pursuant to G.S. 160A-272.

RESOLUTION DECLARING INTENT TO LEASE CITY-OWNED SURPLUS REAL PROPERTY LOCATED AT 213 S. MAIN STREET PURSUANT TO G.S. 160A-272.

WHEREAS, the City of Graham owns a certain piece of real property located at 213 S. Main Street, commonly referred to as the Captain White House; and

WHEREAS, the City deems the property surplus for the purposes of its own utilization and has previously entered into a lease with Alamance Arts; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes that any property owned by a city may be leased or rented for such terms and upon such conditions as the council may determine; and

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The property will not be needed by the City for the term of the proposed lease; and
2. The City Council intends to authorize the lease at its next regular meeting on November 5, 2019; and
3. Notice shall be given by publication describing the property to be leased or rented, stating the annual rental or lease payments, and announcing the council's intent to authorize the lease or rental at its next regular meeting.

Adopted this 1st day of October, 2019.

Mayor Jerry Peterman

Attest:

NORTH CAROLINA

ALAMANCE COUNTY

AGREEMENT OF LEASE

This Agreement and lease, made and entered into this the ____ day of _____ 2019, by and between City of Graham, a municipal corporation of the State of North Carolina, hereinafter referred to as: "Lessor", and Alamance Arts (Alamance County Arts Council, Inc.) a North Carolina non-profit corporation, with an office in Alamance County, North Carolina, hereinafter referred to as "Lessee";

WITNESSETH:

WHEREAS, Lessor owns real estate upon which a historic residence is situated, known as the Captain James and Emma Holt White House (Captain White House), 213 South Main Street, Graham, Alamance County, North Carolina, and appurtenant curtilage, being a part of Alamance County Tax Map 171, Block 690, Lot 17 being parcel designated as Alamance Tax Map 171, Block 690, Lot 17, hereafter referred to as the "Premises";

WHEREAS, Lessor is desirous of leasing said Premises to Lessee and lets the Premises to Lessee in accordance with the terms and conditions herein set forth.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Lessor does lease and let unto the Lessee the Premises described hereinbelow and Lessee accepts as Lessee said Premises upon the terms and conditions as set forth herein, as follows:

1. **Term of Lease.** The term of this Lease shall be ten (10) years commencing on the first day of January 2019 and ending on or about the first day of January 2029, both dates included unless sooner terminated as herein provided. The City of Graham reserves the right to cancel this Lease if the real property is not being used as an Arts Center facility by Alamance Arts (Alamance County Arts Council, Inc.) to conduct classes, programs, gallery presentations, or other ongoing activity involving people and the arts on a regular basis. The use of the facility for storage alone is not an ongoing activity involving people.
2. **Rent.** The annual rent for said property shall be \$1.00 for the Premises leased herein. Payment shall be due on the 1st day of January 2019 and the 1st day of every year thereafter.
3. **Alterations, Repairs, and Upkeep.** Lessor agrees to maintain the property and make repairs as it is determined in the discretion of the Lessor, after reasonable consultation with the Lessee. Lessee shall not make any alterations, additions or improvements in the premises hereby leased and demised without first obtaining from the Lessor its written consent, and all alterations, additions or improvements made by the Lessee during the course of its occupancy, or the term of its lease, shall inure to the benefit of and be the property of the Lessor upon the termination and end of this Lease; and such alterations, additions, and improvements shall be surrendered with the premises when the

same are surrendered by the Lessee to the Lessor. Requests for alterations will not be unreasonably withheld. All alterations shall follow the state historic standards.

Lessor shall be responsible for providing adequate plumbing and heating and air systems. Lessee agrees to change HVAC filters regularly. Lessees shall not put anything other than toilet paper in the plumbing. Lessee shall be responsible for keeping a clean rental space.

Lessor shall make repairs to the Premises within a reasonable period of time after notice of such repairs is given to Lessor's staff. Lessor will make their best efforts to work with Lessee on scheduling repairs, taking into consideration events the Lessee may already have scheduled.

Lessor shall provide lawn maintenance which includes, but is not limited to, reseeding, fertilizing and treating lawn with insecticide as needed.

Capital improvements may be considered on an annual basis and shall be submitted to the city manager.

Lessor shall maintain the parking area including snow removal and replacement of exterior bulbs as needed.

Lessor shall work with Lessee on scheduling any city events on the property.

4. **Signage and Interior Décor.** Lessee may utilize any existing signs on the Premises subject to applicable zoning ordinances, governmental regulations, codes, or restrictive covenants. Responsibility and expense for obtaining such approval and modifying to suit Lessee's needs shall be the responsibility of Lessee. If Lessee utilizes any existing signs for the exclusive use of Lessee, Lessee shall repair and maintain the same in good appearance at Lessee's expense. Interior décor should not impede the historical nature of the building.
5. **Utilities.** Lessee agrees to pay before delinquency all charges for gas, electricity, and water used by the Lessee during the term of this Lease.
6. **Garbage Disposal and Recycling.** Lessee will abide by all the city ordinances regarding the disposal of garbage and waste materials. The disposal of garbage, if generated in the normal course of operating Lessee's programs, will be the responsibility of the Lessee.
7. **Use and Occupancy.** The Lessee may use the leased properties for such lawful purposes as may be necessary to the conduct of the activities for which it was formed. Failure to use the facility for regular, ongoing activity involving people for a period in excess of ninety (90) days will be considered abandonment and sufficient cause to cancel this Lease.
8. **Vehicles and Parking Regulations.** Lessee will have exclusive use of the parking area located behind the Alamance Arts signage. Lessee will be able to hold events and programs on this property in order to fulfill Lessee's mission to continue to connect people through the arts.

9. **Excessive Noise Policy.** Lessee will abide by the city's noise ordinance and will be considerate of adjoining property owners.
10. **Storage.** Lessor shall not store items on Lessee's leased premises without the express written consent of the Lessee.
11. **Display of Signs in Windows.** All signage is to meet those standards that comply with local sign ordinances and are consistent with the historical nature of the building.
12. **Casualty Damage.** In the event the leased Premises are destroyed by fire or other casualty covered by extended coverage insurance during any term or extensions of this Lease, the Lessor does hereby agree to repair or replace the demised Premises to its former condition to the extent of insurance policy proceeds received and this Lease shall remain in full force and effect; provided, however, that said building or improvement is not damaged to such extent as to render it wholly unleaseable or that the cost of repairs or replacement does not exceed hundred percent (100%) of the insured value of the Premise and such repairs or restoration can be efficiently completed within 30 days.

In the event the leased Premises are damaged by fire or other casualties in excess of hundred percent (100%) of the insured value of the said Premises or such restoration or repairs needed to return the Premises to its approximate condition existing immediately preceding such fire or other casualty cannot be completed within 30 days, this Lease for the damaged Premises shall thereupon terminate.

The Lessor shall keep fire, casualty, and extended coverage insurance on the Premises at an amount it deems reasonable to cover loss it could incur as the result of damage to the building.

13. **Insurance.** All personal property placed in the leased Premises or in any other portion of said building or any place appurtenant thereto, shall be at the sole risk of the Lessee or the parties owning the same, and the Lessor shall in no event be liable for the loss, destruction, theft or damage to such property. Lessee shall at its own expense carry renters/business personal property insurance on all personal property located upon the Premises.

Lessor for its benefit, agrees to maintain at all times, at its expense, appropriate insurance for any liability in connection with personal injury or death from an accident on or about Lessor's property. This coverage will provide a \$1,000,000.00 per occurrence limit with a \$2,000,000.00 aggregate limit.

Lessee agrees to maintain at all times, at its expense, appropriate insurance for any liability in connection with personal injury or death from an accident on or about Lessor's property. This coverage must provide for, at a minimum, a \$1,000,000.00 per occurrence limit with a \$2,000,000.00 aggregate limit. Further, this coverage shall provide for fire legal liability with at least a \$500,000 limit. Lessor shall be named on the policies as an additional insured. Lessors should be listed as, City of Graham.

Lessee additionally agrees to maintain at all times, at its expense, appropriate coverage as required under Worker's Compensation Law and occupational disease law of the State of North Carolina.

Lessor for its benefit, agrees to maintain at all times, at its expense, appropriate fire and extended coverage insurance for Lessor's property. Lessor will maintain all fire protection equipment, including security and fire monitoring and sprinkler systems, if any.

Lessee shall cause to be issued to Lessor if requested, Certificates of Insurance for the following policies evidencing that Lessor is named as an additional insured:

- 1) General Liability Insurance;
- 2) Worker's Compensation Insurance;
- 3) Business Personal Property Insurance.

Lessor shall cause to be issued to Lessee if requested, Certificates of Insurance for the following policies:

- 1) General Liability Insurance;
- 2) Property Insurance (Fire and Extended Coverage).

14. **Damages to Lessee's Property.** The Lessor shall not be responsible for the damage, destruction, or theft of items of property owned by the Lessee or in the possession of the Lessee which are located in or around the leased Premises. The Lessee agrees to hold the Lessor harmless for any damage, destruction, or theft of the items of property owned by the Lessee or contained in or around the leased Premises.
15. **General Safety.** In the event of an emergency (i.e., fire, bomb threat, gas leak, etc.), Lessee should immediately call 911 and evacuate the building as shown on the evacuation maps that are posted throughout the building. In the event of a small fire, Lessee should use the fire extinguishers that are located throughout the building to try to extinguish the fire and contact local fire officials and building management as soon as possible. Lessee should not under any circumstances reenter the building after an emergency unless instructed to do so by local emergency officials.
16. **Assignment and Subletting.** The Lessee shall not assign this Lease or sublet the Premises herein leased without the written consent of the Lessor.
17. **Termination.** The Lessee covenants and agrees that if default shall be made in the performance by the Lessee of any agreement, covenant, or stipulation herein contained to be performed by the Lessee, and if Lessee shall fail to undertake corrective action to cure such default or nonperformance within thirty (30) days after notice thereof in writing has been given by the Lessor to the Lessee, then and in any such event, it shall be lawful for the Lessor, at its option, to declare the said term ended and this Lease or any portion thereof terminated and to recover possession of the Premises herein leased.

18. **Notice of Default or Nonperformance.** It is covenanted and agreed that before the Lessor shall be entitled or have the right to repossess the Premises herein leased or to terminate this Lease as set forth in paragraph 17 hereof, on account of the nonperformance of any covenant, agreement, or stipulation on the part of the Lessee, the said Lessor shall notify the Lessee in writing of such default or nonperformance and the Lessee shall have thirty (30) days from the date of such notice by the Lessor in which to perform such covenants or stipulations as the Lessee may have omitted or neglected to perform or undertake in good faith to cure such default; and if the Lessee shall perform such covenants and stipulations or undertake in good faith with due diligence to correct or cure such default within (30) days from the date of such written notice from the Lessor, then the Lessee's delay or neglect in performing such covenant or stipulation shall in no manner affect this Lease, and this Lease shall remain in full force and effect as though no such default or nonperformance had occurred.
19. **Notice.** Any notices required to be given under the terms hereof to the Lessee may be served by registered mail to Alamance Arts (The Alamance County Arts Council, Inc.), 213 South Main Street, Graham, North Carolina, 27253 or at such other address as the lessee may in writing designate to the Lessor, or such notice may be served upon the Lessee by any lawful process officer.
20. **Quiet Enjoyment.** Lessor covenants that if Lessee performs all the terms and conditions of this Lease, Lessee shall peaceable and quietly hold and enjoy the leased Premises for the term herein demised or any extended term without hindrance or interruption by Lessor or any other entity and Lessor shall protect the Lessee in the full, complete and absolute possession of the demised Premises and every part thereof.
21. **Indemnity.** The Lessor, to the fullest extent permitted by law, shall indemnify, defend, and hold Lessee harmless from and against any and all claims, liabilities, damages, injuries, losses, costs, and expenses of any kind (including attorneys' fees and court costs) incurred by Lessee arising from suits, claims, and/or causes of action arising from or growing out of any actions or inactions on the part of Lessor. Lessee, to the fullest extent permitted by law shall indemnify, defend, and hold the Lessor harmless from and against any and all claims, liabilities, damages, injuries, losses, costs, and expenses of any kind (including attorneys' fees, and court costs) incurred by the Lessor arising from suits, claims, and/or causes of action arising from or growing out of actions or inactions on the part of Lessee.
22. **Taxes.** Lessor shall pay when due all taxes and assessments of any kind or nature which are now or may hereafter be imposed on the demised Premises; and the Lessee shall pay when due all taxes and assessments of any kind or nature imposed or assessed on the merchandise, inventory, or other property or equipment installed or brought into or onto the demised Premises by or for the Lessee.

IN TESTIMONY WHEREOF, said parties have executed this Lease Agreement in duplicate originals, one of which is retained by each of the parties on the day and year above written.

This the _____ day of _____, 2019.

ALAMANCE ARTS

By: _____ (SEAL)

Title: _____

CITY OF GRAHAM

By: _____ (SEAL)

Title: _____

STAFF REPORT

SUBJECT:	ALAMANCE ARTS EMBRACING PEACE SCULPTURE PARKING SPACE CLOSURE REQUEST
PREPARED BY:	FRANKIE MANESS, CITY MANAGER

REQUESTED ACTION:

Approve the closure of two (2) parking spaces immediately south of the Alamance County Historic Court House for the Embracing Peace sculpture display.

BACKGROUND/SUMMARY:

Alamance Arts is sponsoring the display of the Seward Johnson sculpture *Embracing Peace* from October 2019 through March 2020. The sculpture has received approval for placement on the south side of the Historic Court House at 1 Court Square. The sculpture stands 25' tall and will be highly visible as motorists make a northbound approach into the downtown. It is requested that the two parking spaces that are immediately south of the Court House (on either side of the crosswalk) be closed to afford pedestrian safety for the duration of the display.



FISCAL IMPACT

None.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the closure of two (2) parking spaces immediately south of the Alamance County Historic Court House for the Embracing Peace sculpture display from October 18, 2019 through March 31, 2020.



September 11, 2019

Mr. Frankie Maness, City Manager
City of Graham
201 South Main Street
Graham, NC 27253

Dear Frankie,

Alamance Arts is bringing Seward Johnson's most renowned monumental 25 ft. tall sculpture ***Embracing Peace*** for six months from October 18, 2019 through March 2020 to Alamance County as a tribute to the Greatest Generation.

The sculpture will be placed on the sidewalk in front of the Alamance County Historic Court House on Main Street in Graham. This will allow visitors to see it as they are approaching from the highway. We have confirmed with Alamance County permission to place the sculpture at this spot.

We are requesting from the City of Graham permission to close two parking spaces right in front of the statue for the six months that the statue will be displayed. Our reason for the request is basically safety. We are wanting to form a barrier so that visitors wanting to take photos of the statue will not back out into oncoming traffic.

We would appreciate the City of Graham's consideration of this request. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cary A. Worthy". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cary A. Worthy
Executive Director



ALAMANCE ARTS

Alamance Arts is bringing Seward Johnson's *Embracing Peace* sculpture for six months from October 18, 2019 through March 2020 to Alamance County as a tribute to the Greatest Generation. The cost is around \$30,000 with installation and marketing expenses.

The sculpture will be placed on the sidewalk in front of the Alamance County Historic Court House on Main Street in Graham. This will allow visitors to see it as they are approaching from the highway.

Embracing Peace is Seward Johnson's most renowned monumental 25 ft. tall sculpture. *Embracing Peace* was inspired by the moment in New York City on V-J Day, August 14, 1945, that captured the jubilation of Americans when the end of world War II was announced. This artwork honors the memory of the past, reminding us of the sacrifice of a nation, and awakening younger generations to the heroic stories of the preceding generations. This sculpture has been featured in various cities across the United States from Florida to California, as well as in Times Square, NYC, Rome, Italy, and Civitavecchia, Italy. A casting of the sculpture has also been on display in Normandy, France, and is currently sited at the Bastogne War Museum in Belgium.

Following an early career as a painter, Seward Johnson, now 88, turned his talents to the medium of sculpture, both life-size and monumental. Since that time, more than 450 of his life-size cast bronze figures have been featured in private collections and museums throughout the world. His passion for detail features an uncanny realism and spontaneity of the original pose, which is often associated with his works of art. He is well-known for recreating life in our times in vividly realistic bronze.



Unconditional Surrender



Embracing Peace



ALAMANCE COUNTY ARTS COUNCIL J. SEWARD JOHNSON SCULPTURE

Permission is hereby granted to the Alamance Arts to close two parking spaces located in front of the property described as the Alamance County Historic Court House, 1 SE Court Square, Graham, NC 27253 from October 18, 2019 to March 30, 2020. The permission is granted to give visitors safe access to the J Seward Johnson sculpture “Embracing Peace”. Insurance for said sculpture will be covered by Alamance Arts.

This the _____ day of _____, 2019.

Property Owner/Lessee

By: _____
Owner/Authorized Agent



CERTIFICATE OF LIABILITY INSURANCE

Page 36 of 39 DATE (MM/DD/YYYY) 09/18/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lester Ins. Group, Inc. T/A The Harper Agency 1037 S. Main St. Burlington NC 27215		CONTACT NAME: Barbara Hoover PHONE (A/C, No, Ext): (336) 227-4271 FAX (A/C, No): (336) 222-9467 E-MAIL ADDRESS: bhoover@lestergrp.com	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: Penn National Security Insurance Co.	NAIC # 32441
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	
INSURED Alamance County Arts Council 212 S. Main Street Graham NC 27253			


COVERAGES CERTIFICATE NUMBER: CL1991810585 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			CX9 0060791	07/15/2019	07/15/2020	EACH OCCURRENCE	\$ 1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000	
	GEN'L AGGREGATE LIMIT APPLIES PER:							MED EXP (Any one person)	\$ 5,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY	\$ 1,000,000	
	OTHER:						GENERAL AGGREGATE	\$ 2,000,000	
							PRODUCTS - COMP/OP AGG	\$ 2,000,000	
								\$	
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	\$	
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)	\$	
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)	\$	
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)	\$	
								\$	
	UMBRELLA LIAB						EACH OCCURRENCE	\$	
	<input type="checkbox"/> EXCESS LIAB	<input type="checkbox"/> OCCUR					AGGREGATE	\$	
	<input type="checkbox"/> DED	<input type="checkbox"/> RETENTION \$						\$	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE	OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input type="checkbox"/> N	N/A				E.L. EACH ACCIDENT	\$	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$	
							E.L. DISEASE - POLICY LIMIT	\$	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

City of Graham, Mr. Frankie Maness, City Manager 201 South Main Street Graham NC 27253	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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SUBJECT:	DONATION OF SURPLUS SELF CONTAINED BREATHING APPARATUS TO THE GRAHAM HIGH SCHOOL FIRE PROGRAM
PREPARED BY:	TOMMY COLE, FIRE CHIEF

REQUESTED ACTION:

Approve Resolution Authorizing Conveyance of 20 Self Contained Breathing Apparatus (SCBA) Air Packs and 58 Self Contained Breathing Apparatus (SCBA) Bottles to the Graham High School Fire Program Pursuant to G.S. 160A-274.

BACKGROUND/SUMMARY:

The Graham Fire Department has 20 Self Contained Breathing Apparatus (Air Packs) and 58 Self Contained Breathing Apparatus Bottles that have been deemed surplus due to age and end of service life. Because they have reached their end of life (15 years) they are no longer useful to any fire agency because of the NFPA and OSHA Standards on Breathing Apparatus. The Graham High School Fire Program has requested that the City consider donating the SCBA Air Packs and Bottles to be used in the training of High School Students participating on the high school fire program.

The General Statutes ([G.S. 160A-274](#)) allow for the conveyance to another governmental agency.

FISCAL IMPACT

None.

STAFF RECOMMENDATION:

Approval.

SUGGESTED MOTION(S):

I move we approve the Resolution Authorizing Conveyance of 20 SCBA Air packs and 58 SCBA Bottles to the Graham High School Fire Program Pursuant to G.S. 160A-274.

RESOLUTION AUTHORIZING CONVEYANCE OF 20 SELF CONTAINED BREATHING APPARATUS (SCBA) AIR PACKS AND 20 SELF CONTAINED BREATHING APPARATUS (SCBA) BOTTLES TO GRAHAM HIGH SCHOOL FIRE PROGRAM PURSUANT TO G.S. 160A-274

WHEREAS, the City of Graham owns 20 Self Contained Breathing Apparatus Air Packs (Inventory Control # 1450, 1451, 1452, 1453, 1454, 1455, and 1456) and 58 Self Contained Breathing Apparatus Bottles (Inventory Control # 1311, 1323, and 1352)

WHEREAS, North Carolina General Statute § 160A-274 authorizes a governmental unit in this state to exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property upon such terms and conditions as the governmental unit deems wise, with or without consideration; and

WHEREAS, the City of Graham has determined that it is in the best interest of the City to convey 20 Self Contained Breathing Apparatus Air Packs and 58 Self Contained Breathing Apparatus Bottles to the Graham High School Fire Program, and deems it wise to do so for no consideration.

THEREFORE, THE GRAHAM CITY COUNCIL RESOLVES THAT:

1. The City of Graham hereby conveys to the Alamance-Burlington School System, Graham High School Fire Program the following property: 20 Self Contained Breathing Apparatus Air packs (Inventory Control #s: 1450, 1451, 1452, 1453, 1454, 1455, and 1456) and 58 Self Contained Breathing Apparatus Bottles (Inventory Control #s: 1311, 1323, and 1352), subject to agreement that the aforementioned property not be used or conveyed for the purposes of firefighting activities immediately dangerous to life and health (IDLH).
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 1st day of October 2019.

Mayor Jerry Peterman

Attest:



RECEIVED

AUG 01 2019 Application for
SPECIAL USE PERMIT
 PLANNING DEPT.

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

Uses shown as "S" in the *City of Graham Development Ordinance*, Section 10.135 Table of Permitted Uses, require a Special Use Permit before the use will be permitted in the zoning district. Applicants are strongly encouraged to consult with the City Planner to understand the requirements for the proposed special use and the information that will be needed as part of this application.

Site

Street Address: East Moore Street
 Tax Map#: 144628, 144441, 144442 GPIN: 883460674, 8883364585, 8883367692
 Current Zoning District(s): R-12
 Overlay District, if applicable:
 Historic S Main St/Hwy 87 E Harden St/Hwy 54
 Current Use: Vacant
 Property Owner: Brigham Road, LLC
 Mailing Address: 1400 Battleground Ave, Suite 201
 City, State, Zip: Greensboro, NC 27408
 Phone # (336) 274-2481
 Email: kevinp@phillipsmanagement.com

Applicant and Project Contact

Name: Bradford J. Deaton, PE
 Property Owner Other Developer
 Mailing Address: 1400 Battleground Ave, Suite 201
 City, State, Zip: Greensboro, NC 27408
 Phone # (336) 274-2481
 Email: Brad@trinterrallc.com

I certify that all information furnished is true to the best of my knowledge. I have provided all information needed to demonstrate that all requirements of the proposed special use will be met.

Bradford J. Deaton 7/31/19
 Signature of Applicant Date
Kevin Phillips 7/31/19
 Signature of Property Owner Date
 (if other than applicant)

Office Use Only. DEVID#

SUP1902

Proposed Special Use

Proposed Use (from Sec. 10.135 Table of Permitted Uses):
Townhomes

Check if this use is also listed in
 Section 10.149 Special uses listed

This application **must include sufficient information** to demonstrate that all requirements of the proposed special use will be met. Check which of the following are submitted with this application:

- Preliminary Site Plan
 Descriptive Information

Additional sheets of Descriptive Information

Because applications for a Special Use Permit go through the public hearing process, applicants are encouraged to contact neighboring property owners prior to the public hearing.

Other Requirements

- NCDOT Driveway Permit, if a new or relocated driveway is proposed on a NCDOT road, or for existing driveways if the use of the property is changing

STAFF REPORT

SUBJECT:	ORDINANCE TO AMEND STORAGE REQUIREMENT FOR JUNK DEBRIS
PREPARED BY:	AARON HOLLAND, ASSISTANT CITY MANAGER

REQUESTED ACTION:

Amend Code of Ordinances to amend requirement of the City to store removed junk debris.

BACKGROUND/SUMMARY:

Code Enforcement plays an important role in preserving the attractive appearance of neighborhoods in the City of Graham. The mission of Code Enforcement is to provide fair and comprehensive enforcement of the City's Code of Ordinances, which include junk debris, trash, weeds, and minimum housing. Although the Code of Ordinances provides the process for enforcement of violations, there comes a time when the Code needs amending to afford more effective compliance.

As requested, staff reviewed General Statutes and case laws as they pertain to junk removal for better clarity. It was determined that there aren't any laws requiring a hold on junk debris prior to removal from private property. After evaluating the current and proposed language from the 1st reading, City staff is recommending amending Sec. 12-71 (1) which references the abatement of nuisances by removal of junk debris with additional changes to Sec. 12-71 (2-C) recommended by the City attorneys. The requested amendment is to delete an antiquated requirement of the City to store removed items for seven days but instead provide a hold of property on the subject property for 10 days. This compromise removes the responsibility of the City to store items offsite while providing additional time to the property owner to comply.

FISCAL IMPACT:

TBD. Abatement costs incurred by the City are typically assessed against the property owner.

STAFF RECOMMENDATION:

Approval. City staff recognizes the importance of effective language within the Code of Ordinances as a mechanism to fulfill expectations placed on staff by the citizens. Removing this requirement expands the flexibility for staff to work more efficiently.

SUGGESTED MOTION(S):

I move to approve the Ordinance amendment to CHAPTER 12- OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE III- NUISANCES of the Code of Ordinances to amend requirement of the City to store removed junk debris.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, AMENDING CHAPTER 12, ARTICLE III, SEC. 12-71 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 amending sections 12-71 (1) and 2 (c), which said sections read as follows:

Chapter 12 – OFFENSES AND MISCELLANEOUS PROVISIONS

ARTICLE III. – NUISANCES

Sec. 12-71. - Administration.

The inspector or other designee of the city manager shall be responsible for the administration and enforcement of this article. Nothing within this article shall be construed to limit the legal authority of the city police department and fire department in enforcing other laws or in otherwise carrying out their duties.

- (1) *Enforcement.* The enforcement officer of this article shall have the authority to enforce the terms of these provisions by issuance of a citation, by ordering the property owner to abate the nuisance, by taking action to abate the nuisance or by filing an action in court to abate such nuisance, or any combination of these methods. If the nuisance is abated by the city, the costs of such abatement shall be assessed against the property owner and be collected the same as delinquent taxes. ~~The owner of any property removed from the premises shall have seven days from removal to claim such property.~~
- (2) *Contents of notice.* The notice to abate the nuisance shall contain:
- a. The description of the nuisance.
 - b. Statement of acts necessary to abate the nuisance.
 - c. An order to abate the nuisance within a stated time, not to exceed 30 days. ~~It is hereby provided that the last 10 days of the 30-day notice period shall be deemed a holding period. During which time, the owner shall be entitled to retrieve and otherwise remove any personalty from said property.~~
 - d. Penalty for violation of the nuisance.
 - e. Right of appeal of the determination.
- (3) *Service of notice.*
- a. Upon determination that a violation of a provision of this article has occurred, the enforcement officer shall cause a written notice to persons known to the city to be in control of the premises and the owner of the property as shown by the ad valorem tax records of the city by personal service or by registered or certified mail, return receipt requested. If such notice is refused or is returned unclaimed, then said property shall be posted with notice. If the name of the owner of the property cannot be ascertained, then the notice shall be served on any person in possession of the subject property or, if there is no person in possession of it, by posting the notice on the subject property.

- b. Any such notice may be served by any authorized representative of the city or by any police officer of the city.

(4) *Penalties.*

- a. Violation of any provision of this article shall subject the offender to a civil penalty in the amount of \$50.00 to be recovered by the city in a civil action in the nature of a debt if the offender does not pay the penalty within 30 days of being cited.
 - b. Each day that a violation continues to exist 30 days after issuance of the original citation shall constitute a separate and distinct offense without multiple citations being issued and shall be subject to additional civil penalties of \$50.00 per day.
 - c. The amount of the penalty, if not paid within 30 days of issuing of notice, may be collected in the same manner as provided for the collection of delinquent taxes.
 - d. In addition to or in lieu of the collection of the penalty, the administrator may seek redress through the courts to abate such nuisance by injunctive relief.
 - e. Any costs incurred by the city on enforcing this article by abatement of the nuisance shall be assessed against the property owner and may be collected in the same manner provided for the collection of delinquent taxes.
-

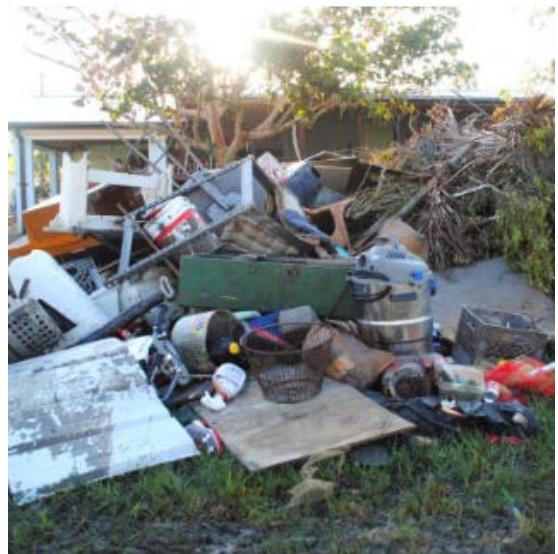
Sec. 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law

This the _____ day of _____, 2019.

Mayor

ATTEST:

City Clerk



PLANNING ZONING BOARD
Tuesday, September 17, 2019

The Planning & Zoning Board held their regular meeting on Tuesday, September 17, 2019 in the Council Chambers of the Graham Municipal Building at 7:00 p.m. Board members present were Dean Ward, Nate Perry, Eric Crissman, Michael Benesch, Justin Moody, Bonnie Blalock and Rachel McIntyre. Staff members present were Nathan Page, Aaron Holland, and Debbie Jolly, Zoning and Inspection Technician. Chairman Ward called the meeting to order, gave the Overview of the Board, general meeting rules.

1. Approval of the August 20, 2019 minutes. A motion was made to approve the minutes by Dean Ward seconded by Eric Crissman. All voted in favor.

2. Old Business

- a. SU1902 Moore St Townhomes. Application by Brad Deaton-Greensboro- for special Use Permit for 61 townhomes. GPIN 8883460674,8883364585 and 8883367692. Nathan Page stated the applicant had requested to table this item until the October meeting. Eric Crissman made a motion to table. Seconded by Nate Perry. All voted Aye.

3. New Business

- a. AM1904 Boutique Shops. Application by Janet Ecklebarger to define Boutique Shops and make them use by right in Neighborhood Business(B-3). Nathan gave overview of Boutique Shops that was in the request.

Janet Ecklebarger 2872 Nereus Dr.

Janet Ecklebarger presented her application to the Planning Board and answered questions from the board. The planning board had a brief discussion. Nathan Perry made a motion to approve as presented with a condition to lower the maximum square footage from 5000 to 2000 sq ft, and that it was in accordance with the 2035 Comprehensive Plan. Seconded by Eric Crissman. Voted on 4-3 opposed was Dean Ward, Bonnie Blalock and Michael Benesch.

- b. CR1901 S Main St Townhomes. Application by Villane INC for 32 townhomes. GPIN 8882397172 Mr. Page gave an overview of this project. James H. Smith Jr, of Villane INC, 223 Shannon Dr. gave an overview of the project. The builder and the engineer answered questions from the Planning Board about the types of homes and the types of façades.

The following members spoke regarding this rezoning:

Penny Sekadlo 9220 Fairbanks Dr. Engineer

Mitchell Murphy 9220 Fairbanks Dr. Builder

Eddie Ross 2017 S Main St.

The Planning Board had a brief discussion about the need for townhomes in this area.

Eric Crissman made a motion to approve the application, and that it is consistent with the Graham 2035 Comprehensive Plan. Seconded by Rachel McIntyre. Vote was 6-1 Dean Ward vote nay.

- c. RZ1904 S Main Windsor. Application by David Michaels, Windsor Investments for rezoning from R-18 –R-9. GPIN 8883100157, and part of 888312515,8883216464, 8883204297,8883303914. Mr. Page presented the request to the Board. Applicant Mr. David Michaels came forward and gave his presentation. The following individuals spoke on this item:

Nikki Brian	1738 Parham Dr.
Mike Allen	265 W. Shannon Dr.
Eddie Ross	2017 S Main St.
Chris Foust	1851 S. Main St.
Hannah Bason	1838 Broadway Dr.

The neighbors had concerns about traffic, parking on the street and having more access to the subdivision. The Board had a discussion at this time about the concerns of the neighbors and that growth enable. Eric Crissman made a motion that the request be approve based on the 2035 Comprehensive Plan would be in consistence with policy 3.2.1, 3.3.2, and 4.3.1 land use patterns. Seconded by Nate Perry. Vote was 5-2 opposed Bonnie Blalock and Michael Benesch.

- d. Review and potentially update The Graham 2035 Comprehensive Plan. Mr. Page present the changes from 2017. The board had a discussion about updating the Plan and their views on the plan. Mr. Ward made a suggestion for the board to review the Plan and make notes on what they think needs to be changed.
4. Public comment on non-agenda items. Nathan Page reported on requiring an applicant to be present for a rezoning. He found that an applicant can choose to represent themselves anyway they want, including not showing up at all. If the Board or Council has unanswered questions or points of clarification that only the applicant can provide, they have the options of deferring the decision to have the applicant present or denying the application based on the evidence presented. Neither the Planning Board nor the City Council has subpoena power, however the Board of Adjustment does have that power.

Bonnie Blalock made a motion to adjourn, Michael Benesch seconded. All voted Aye.

No further business the meeting was adjourned.

Respectfully Submitted,
Debbie Jolly



STAFF REPORT

Prepared by Nathan Page, Planning Director

Text Amendment for: Section 10.135 Table of Permitted Uses to change the requirements for a Boutique Shop

Type of Request: Text Amendment

Meeting Dates

Planning Board on September 17, 2019

City Council on October 1, 2019

Contact Information

Janet Ecklebarger, Nomadic View LLC
 604 Washington Street
 Graham NC, 27253
 janet@gleandesign.com

Summary

Janet Ecklebarger has applied for an amendment to our Development Ordinance to clarify Boutique Shops and to permit them as use by right in Neighborhood Business zones.

The following amendments to the Development Ordinance are proposed:

Existing Language:

Project Name

Boutique Shop
(AM1904)

Location

city-wide

Current Zoning

not applicable

Proposed Zoning

not applicable

Overlay District

not applicable

Staff Recommendation

Approval

Section 10.135 Table of Permitted Uses

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-1	C-MXR	C-MXC	LUC
Boutique Shops entirely within building									S	C	S	X	X	C	X		C	C	C	3

Proposed Language:

Section 10.16 Definitions

Boutique Shop– Retail establishments with fewer than 5,000 square feet of gross floor area

that specialize in one type or line of merchandise not otherwise listed in the Table of Permitted Uses. Such stores include, but are not limited to retail sales of clothing, shoes and accessories, music, art supplies including framing, bicycles, small electronics, books, stationary, collectables, consumer goods, art or craft objects, gifts, and musical instruments. Boutique Shops may also sell a specialized type or category of foods, gourmet/imported food stores, bakeries, cafes, specialty non-drive through restaurants, delicatessens, and organic food and beverage stores.

Section 10.135 Table of Permitted Uses

Use Type	R-18	R-15	R-12	R-9	R-7	C-R	R-MF	R-G	O-I	C-O-I	B-3	B-2	B-1	C-B	I-1 (Note 19)	I-2 (Note 19)	C-I	C-MXR	C-MXC	LUC
Boutique Shops, No Outdoor Storage									S	C	X	X	X	C	X		C	C	C	3

Conformity to The Graham 2035 Comprehensive Plan and Other Adopted Plans

Stragety 2.1.5 Reduce Barriers. Work with local businesses and economic development partners to identify and address unnecessary barriers to local business development. *It may be that a Special Use Permit is too high a bar for Boutique Shops in the Neighborhood Business District.*

Planning District All
Development Type All

Strategy 2.3.1 Facilitate Focused Development. Incentivize pedestrian-oriented nodal development consistent with this plan by incentivizing smart growth development... *Many of our Neighborhood Business zones are within dense, walkable neighborhoods. This amendment may result in the opening of additional pedestrian-oriented destinations.*

Policy 2.1.6 Locally Owned Businesses. Facilitate the creation and growth of small locally-owned businesses and support programs that provide technical and financial assistance to promote sustainable operating practices. *The expanded use for B-3 districts may result in more small, start-up type businesses with a smaller footprint and cost than may be required to compete in the B-2 districts.*

Policy 2.3.2 Innovative spaces, spaces of innovation. Graham promotes the development of flex space, live-work units, and adapitve structures for office, retail, and light industry. *The increased flexibility of the Boutique Shops within Neighborhood Business is likely to result in higher utilization of some dilapidated structures.*

Applicable Planning District Policies and Recommendations

- Not applicable; city-wide.

Staff Recommendation

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

- The 2035 Plan, in Strategy 2.1.5 and 2.3.1, as well as Policy 2.1.6 and 2.3.2, recommends increasing small business opportunities within Graham.

Janet Ecklebarger
Nomadic View LLC
604 Washington Street
Graham, NC 27253

August 30, 2019

Mr. Nathan Page
City Planner
201 S. Main Street
Graham, NC 27253

Dear Mr. Page:

I am writing to request a consideration for a development ordinance change and an enhancement of a definition. Currently the term "Boutique Shops" is permitted in zoned areas B-1, B-2, and I-1, with a special use for O-I and B-3. I would like to recommend that the special use be omitted for B-3, and that it become a permitted use, as well as a clarification of Boutique Shops be added to the City of Graham Development Ordinances.

The term "boutique" refers to a small shop dealing in fashionable clothing or accessories, or a small exclusive producer or business that offers highly specialized services or products. This definition describes a growing number of entrepreneurs and small business currently getting started in and around Alamance County. In order to welcome them to Graham and encourage them to activate our neighborhood spaces, I believe that this change and clarification is necessary.

B-3 is zoned as a neighborhood business district, there are 27 of these parcels scattered around the neighborhoods in Graham. According to the 2035 Comprehensive Plan, Graham is looking to focus development on locally owned business that promote infill development and walkable, mixed use built environments. Also, that the encouragement of neighborhood activity centers, which serve the neighborhood with small grocery stores, dry cleaners, coffee shops, small restaurants, small professional offices and live work units, are exactly what the B-3 zoning implies.

I feel that this addition to the permitted table of uses for B-3 zoning is completely in line with the 2035 Plan. I believe that this definition should include the following for Boutique Shops, no outdoor storage or sales: Retail establishments with fewer than 5,000 square feet of gross floor area that specialize in one type or line of merchandise not otherwise listed in the Table of Permitted Uses. Such stores include, but are not limited to retail sales of clothing, shoes and accessories, music, art supplies including framing, bicycles, small electronics, books, stationary, collectibles, consumer goods, art or craft objects, gifts, and musical instruments. It should also include shops selling a specialized type or category of foods, like gourmet/imported food stores, bakeries, cafes, small, specialty, non-drive through restaurants, delicatessens, and organic food and beverage stores.

Of course these businesses should operate within the guidelines of a neighborhood business meaning that their operating hours, deliveries etc., would be regulated so as not to disrupt the neighborhood residents.

I would like to see this addition/clarification brought to the Planning Board and City Council for consideration at their upcoming meetings. Please let me know if there is any other information you require from me to bring this to their attention, thank you.

Sincerely,



Janet Ecklebarger



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.

B-3 Botiques (AM1904)
Type of Request
Text Amendment
Meeting Dates
Planning Board on September 17, 2019
City Council on October 1, 2019

- I move to recommend **APPROVAL** of the application as presented.
- I move to recommend **APPROVAL** of the application as amended by Planning Board. NP, EC
↳ 2,000 square feet
- I move to recommend **DENIAL**.

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

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

This report reflects the recommendation of the Planning Board, this the 17th day of September, 2019.

Attest:

Dean Ward
Dean Ward, Planning Board Chair

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.

B-3 Boutiques (AM1904)
Type of Request
Text Amendment
Meeting Dates
Planning Board on September 17, 2019
City Council on October 1, 2019

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 1st day of October, 2019.

Attest:

Jerry Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

S Main Townhomes (CR1901)

Type of Request: Rezoning

Meeting Dates

Planning Board on September 17, 2019

City Council on October 1, 2019

Contact Information

Villane Inc

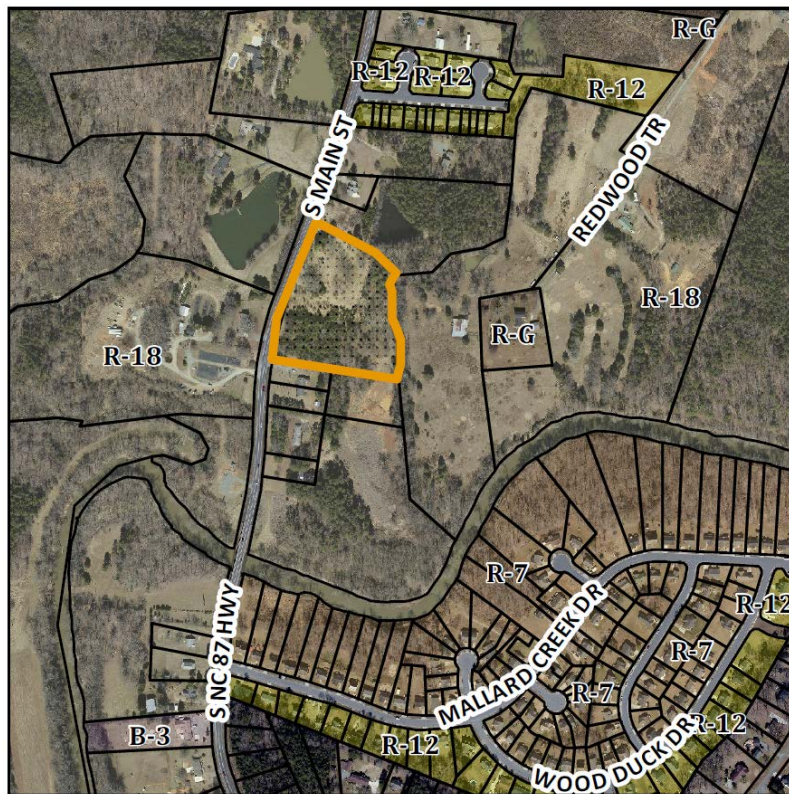
223 Shady Drive

Burlington NC, 27215

336-226-8404;jsmith@villane.com

Summary

This is a request to rezone the subject property from CR to CR. Originally, the rezoning permitted 32 townhomes with a private street. The proposed rezoning has 32 townhomes with a proposed public street. If rezoned, the property will also have to comply with the updated stormwater regulations. The property is currently vacant.



Location

2048 S Main Street

GPIN

8882397172

Current Zoning

Residential (CR)

Proposed Zoning

Residential (CR)

Overlay District

none

Surrounding Zoning

R-18

Surrounding Land Uses

Single Family, Vacant, and Nursery

Size

Approximately 5.5 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Applicable Policies;

- 3.3.2 Focused Development.** In order to maintain Graham's affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *While the development will likely not be walkable within a few years, the time horizon of The Graham 2035 Comprehensive Plan may result in a walkable node developing within the half-mile walkable radius of this neighborhood.*
- 5.1.1 Housing Variety.** Encourage a mix of housing types within Graham to increase choice. These can include single family dwellings units, multifamily dwelling units, small units, pre-fabricated homes, co-housing and clustered housing. *This project would construct additional townhomes to increase housing choice in Graham.*

Applicable Strategies;

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

Planning Type

Neighborhood

Development Type

Suburban Residential

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

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

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

Density of 3 to 6 DU/acre

Staff Recommendation

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

- Rezoning the property would be in consistence with Policy 3.3.2, 5.1.1, and Strategy 4.3.1 of *The Graham 2035 Comprehensive Plan*.



Application for REZONING or CONDITIONAL REZONING

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

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

Site

Street Address: 2048 S MAIN ST

Tax Map#: 142973 GPIN: 8882397

Current Zoning District(s):

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

Overlay District, if applicable:

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

Current Use: VACANT

Total Site Acres: 5.57

Property Owner: VILLANE INC.

Mailing Address: PO BOX 138

City, State, Zip: GIBSONVILLE, NC 27249

Applicant

Property Owner Other _____

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

Name: VILLANE INC

Mailing Address: 223 SHADY DR.

City, State, Zip: BURLINGTON NC 27215

Phone # 336 226 8404

Email: jsmith@villane.net

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

James Harold Smith Jr.
Signature of Applicant

dotloop verified
08/27/19 12:48 PM
EDT
AAKB-TJJZ-UGKB-KFH4

Date

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

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

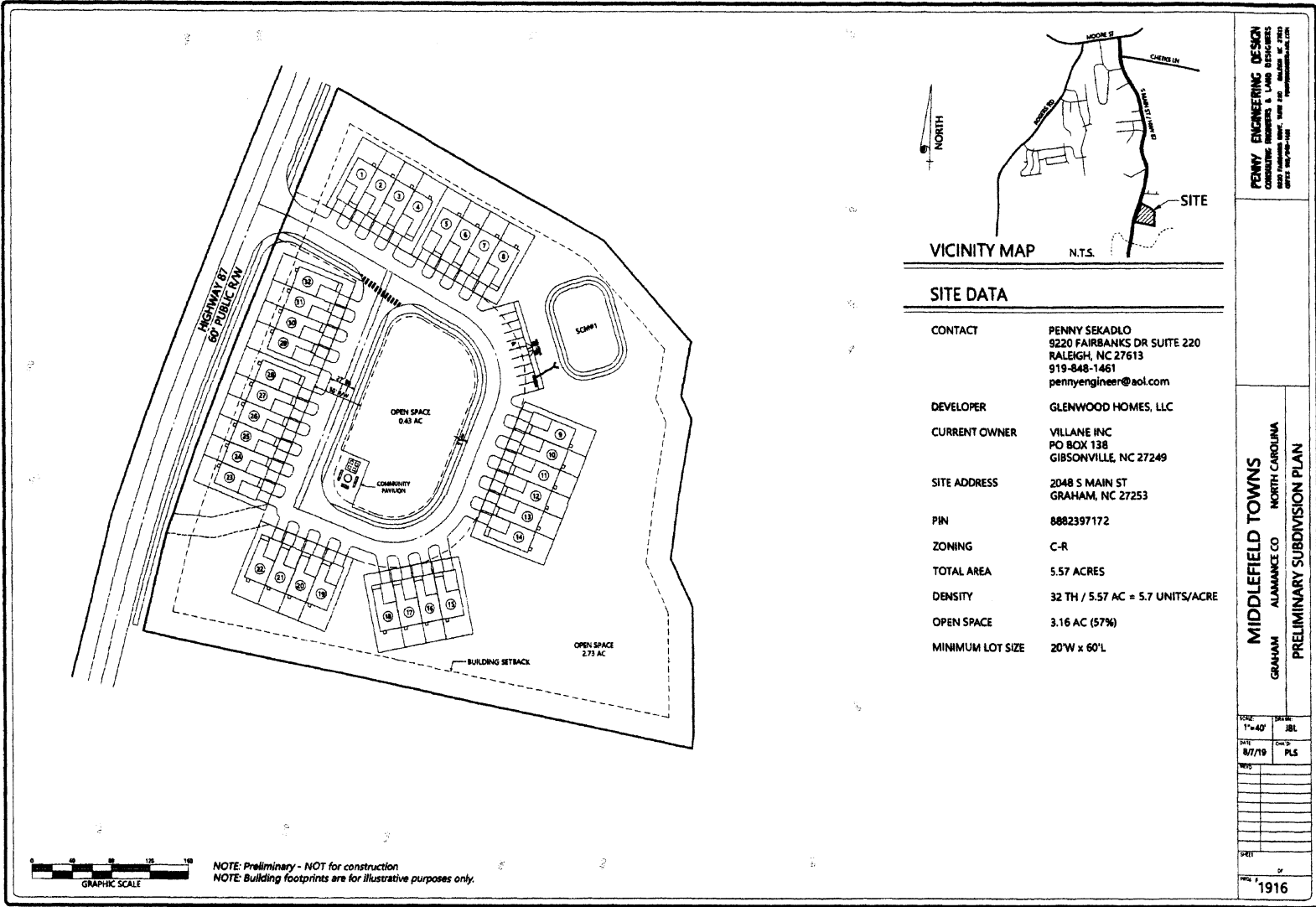
Describe the purpose of this rezoning request. For *Conditional Rezonings*, also specify the actual use(s) intended for the property (from Sec. 10.135 Table of Permitted Uses) along with other descriptive or pertinent information, such as number of dwelling units, type of multifamily development, square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

THIS CONDITIONAL REZONING PROPOSES THE USE OF THIS PARCEL FOR A 32 TOWNHOUSE SUBDIVISION.

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

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

Office Use Only. DEVID#



PENNY ENGINEERING DESIGN
 CONSULTING ENGINEERS & LAND DESIGNERS
 9220 FAIRBANKS DR SUITE 220 RALEIGH NC 27613
 919-848-1461
 PENNYENGINEER@AOL.COM
 WWW.PENNYENGINEER.COM

VICINITY MAP N.T.S.

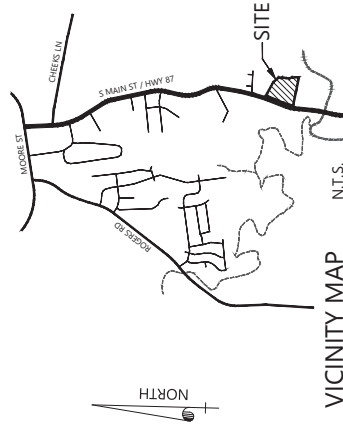
SITE DATA

CONTACT	PENNY SEKADLO 9220 FAIRBANKS DR SUITE 220 RALEIGH, NC 27613 919-848-1461 pennyengineer@aol.com
DEVELOPER	GLENWOOD HOMES, LLC
CURRENT OWNER	VILLANE INC PO BOX 138 GIBSONVILLE, NC 27249
SITE ADDRESS	2048 S MAIN ST GRAHAM, NC 27253
PIN	8882397172
ZONING	C-R
TOTAL AREA	5.57 ACRES
DENSITY	32 TH / 5.57 AC = 5.7 UNITS/ACRE
OPEN SPACE	3.16 AC (57%)
MINIMUM LOT SIZE	20'W x 60'L

MIDDLEFIELD TOWNS
 GRAHAM ALAMANCE CO NORTH CAROLINA
 PRELIMINARY SUBDIVISION PLAN

SCALE: 1"=40'
 DATE: 8/7/19
 DESIGNED BY: JBL
 CHECKED BY: PLS

NO. 1	
SHEET	OF
1916	



VICINITY MAP N.T.S.

SITE DATA

CONTACT
 PENNY SEKADLO
 9220 FAIRBANKS DR SUITE 220
 RALEIGH, NC 27613
 919-848-1461
 pennyengineer@aol.com

DEVELOPER
 GLENWOOD HOMES, LLC

CURRENT OWNER
 VILLANE INC
 PO BOX 138
 GIBSONVILLE, NC 27249

SITE ADDRESS
 2048 S MAIN ST
 GRAHAM, NC 27253

PIN
 88882397172

ZONING
 C-R

TOTAL AREA
 5.57 ACRES

DENSITY
 32 TH / 5.57 AC = 5.7 UNITS/ACRE

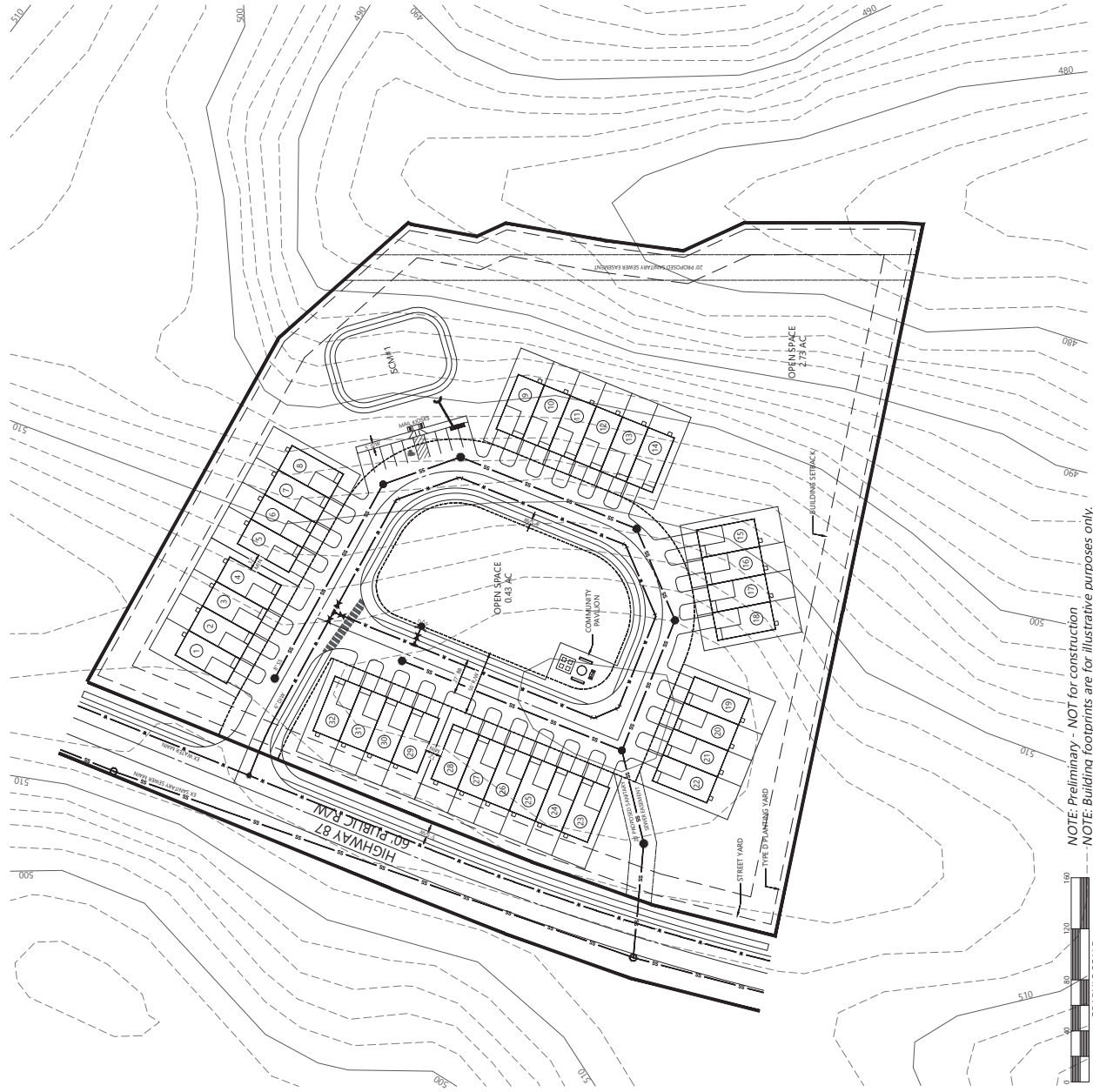
OPEN SPACE
 3.16 AC (57%)

MINIMUM LOT SIZE
 20'W x 60'L

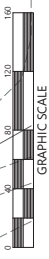
PARKING
 RECD: 2 SPACES PER UNIT = 64 SPACES
 PROV'D: 72 SPACES + 1 HANDICAP

LEGEND

- PROPERTY LINE
- RIGHT-OF-WAY
- SANITARY SEWER MAIN
- WATER MAIN
- STORM DRAINAGE
- PROPOSED MANHOLE
- EXISTING MANHOLE
- FIRE HYDRANT



NOTE: Preliminary - NOT for construction
 NOTE: Building footprints are for illustrative purposes only.





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.

S Main Townhomes (CR1901)
Type of Request
Conditional Rezoning
Meeting Dates
Planning Board on September 17, 2019
City Council on October 1, 2019

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

I move to recommend **APPROVAL** with the following conditions:

- [insert additional conditions]

I move to recommend **DENIAL**.

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

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

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

This report reflects the recommendation of the Planning Board, this the 17th day of September, 2019.

Attest:

Dean Ward
Dean Ward, Planning Board Chairman

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.

S Main Townhomes (CR1901)
Type of Request
Conditional Rezoning
Meeting Dates
Planning Board on September 17, 2019
City Council on October 1, 2019

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **APPROVED with the following conditions**.
 - [insert additional conditions]
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 1st day of October, 2019.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



STAFF REPORT

Prepared by Nathan Page, Planning Director

S Main Windsor (RZ1905)

Type of Request: Rezoning

Meeting Dates

Planning Board on September 17, 2019

City Council on October 1, 2019

Contact Information

David Michaels

PO Box 9147

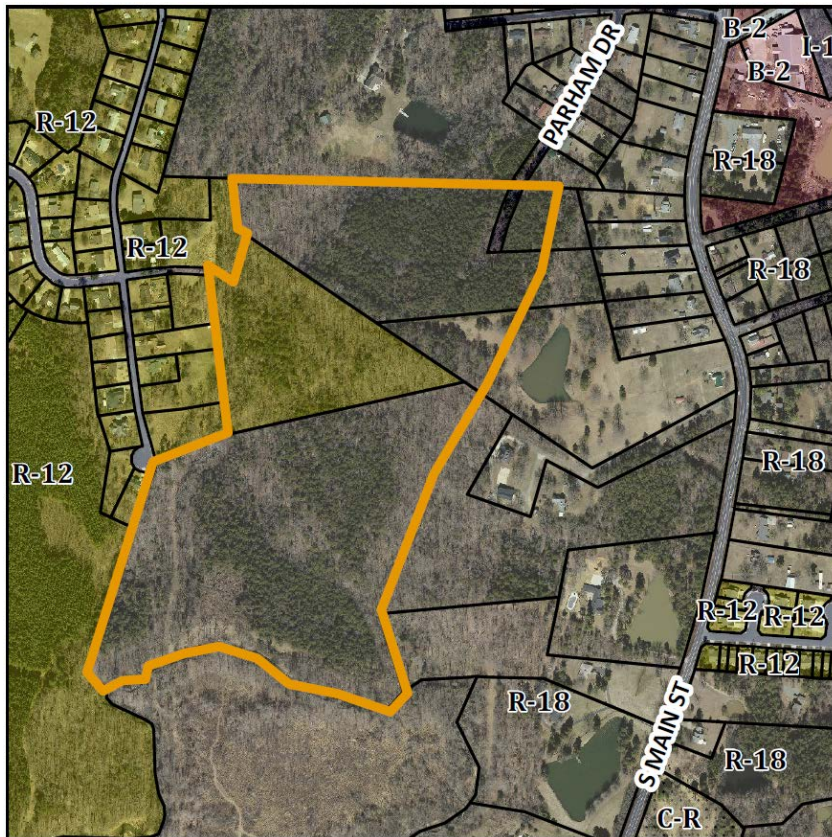
Greensboro NC, 27429

336-282-3535;

dmichaels@windsorinvestments.com

Summary

This is a request to rezone the subject property from R-18 and R-12 to R-9. The property is currently vacant, wooded, and under cultivation.



Location

Wildwood Lane and Parham Drive

GPIN

8883100157, and portions of
8883312515, 8883216464,
8883204297, 8883303914.

Current Zoning

Residential
(R-18, R-12)

Proposed Zoning

Residential (R-9)

Overlay District

none

Surrounding Zoning

R-18, R-12

Surrounding Land Uses

Single Family and Vacant

Size

Approximately 52 acres

Public Water & Sewer

Yes

Floodplain

Yes

Staff Recommendation

Approval

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

Applicable Policies;

- **3.2.1 Connectivity.** Promote interconnectivity within residential and commercial developments. *Like West Hill Reserve to the North, this property may connect to existing street stubs and result in additional interconnects.*
- **3.3.2 Focused Development.** In order to maintain Graham’s affordability and promote growth, the city will facilitate smart growth development by promoting infill development and focused, walkable, and mixed use built environments. *This development utilizes the land which is served by city water and sewer more efficiently than maintaining the existing R-18 zoning. Additionally, the Suburban Residential neighborhood type density recommendations are greater than that which is permitted by R-18 zoning.*

Applicable Strategies;

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

Planning Type

Neighborhood

Development Type

Suburban Residential

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

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

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

Density of 3 to 6 DU/acre

Staff Recommendation

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

- Rezoning the property would be in consistence with Policy 3.2.1, 3.3.2, and Strategy 4.3.1 of *The Graham 2035 Comprehensive Plan*.



Application for REZONING or CONDITIONAL REZONING

RECEIVED

AUG 30 2019

PLANNING DEPT.

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

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

Site

Street Address: Parham Dr.; Broadway Dr.; 1855 S Main St.; 1843 S Main St.

Tax Map#: See attached GPIN: See attached

Current Zoning District(s):

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

Overlay District, if applicable:

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

Current Use: Undeveloped/vacant

Total Site Acres: 52.17+/-

Property Owner: See attached

Mailing Address: See attached

City, State, Zip: See attached

Applicant

Property Owner Other Windsor Investments, LLC

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

Name: David B. Michaels, Company Agent

Mailing Address: PO Box 9147

City, State, Zip: Greensboro, NC 27429

Phone # 336.282.3535

Email: dmichaels@windsorinvestments.com

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

Signature of Applicant [Signature] Date 8/29/2019

Proposed Rezoning or Conditional Rezoning

Proposed Zoning District(s):

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

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

Single family detached residential community

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

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

Office Use Only: DEVID# RZ1904

S. Main Windsor

Application for Rezoning

Street Address:

Parham Dr.; Broadway Dr.; 1855 S Main St.; 1843 S Main St.

Tax Map #:

6-16-35 (part)

6-16-34 (part)

6-14-6

6-14-4 (part)

6-16-29 (part)

GPIN:

8883312515 (part)

8883216464 (part)

8883100157

8883204297 (part)

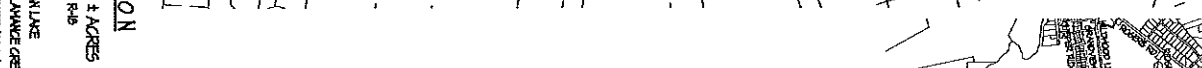
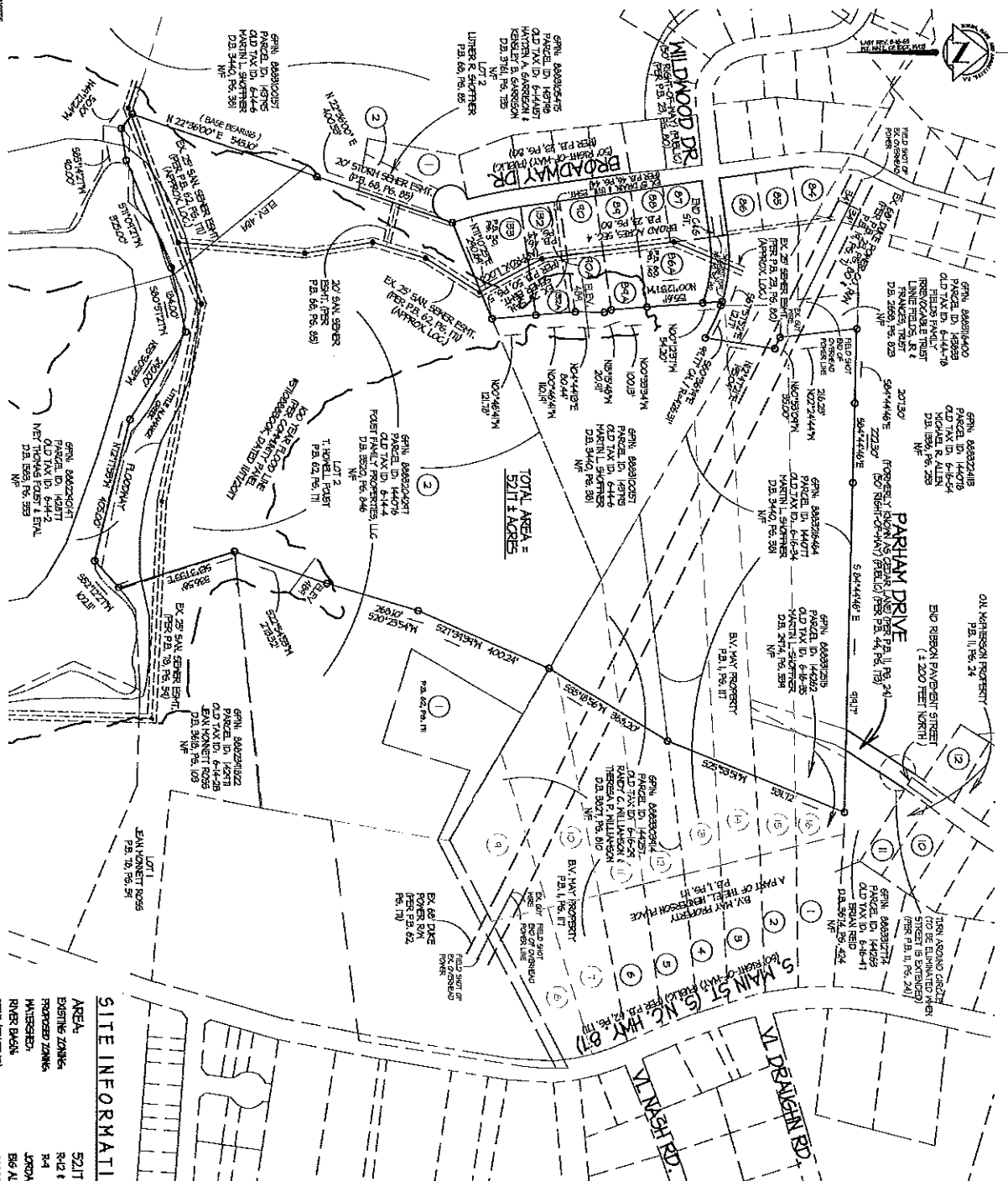
8883303914 (part)

Property Owners:

Martin & Shadra Shoffner – 1468 Trollingwood-Hawfields Rd., Mebane, NC 27302

Foust Family Properties, LLC – 906 Hanford Rd., Graham, NC 27253

Randy & Theresa Williamson – 1843 S. Main St., Graham, NC 27253



GRAPHIC SCALE
0 100' 200' 400' 600'

1" = 200'

AREA	EXISTING ZONING	PROPOSED ZONING
5211 ± ACRES	R-12 & R-16	P-4
82 ± ACRES	LYNDEN LAKE	BR ALMANCE GREENWAY / RECREATION PARK OVER

SITE INFORMATION

- 5211 ± ACRES
- R-12 & R-16
- P-4
- LYNDEN LAKE
- BR ALMANCE GREENWAY / RECREATION PARK OVER

DEED REFERENCES

6-16-55 (PART) 6-6-54 (PART) 6-4-44, 6-4-44 (PART) & 6-4-28 (PART)
 2023-07-18 / 2023-07-18 / 2023-07-18 / 2023-07-18 / 2023-07-18
 2023-07-18 / 2023-07-18 / 2023-07-18 / 2023-07-18 / 2023-07-18



NOTES:

BOUNDARY INFORMATION TAKEN FROM DEEDS AND MSA. PLATS AND HAV NOT BEEN FIELD SURVEYED.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SURVEY AND IS SUBJECT TO ANY PLATS AND EXHIBITS WHICH MAY BE DISCLOSED BY A COUNTY TITLE SEARCH. PROPERTY LINES SHOWN ARE NOT A PART OF THE SURVEY AND ARE TAKEN FROM RECORDED SPRAW RECORDS. A PORTION OF THE PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE STATE OF NORTH CAROLINA GENERAL ENGINEERING DIVISION. ANY FLOOD HAZARD INFORMATION IS BASED ON THE LATEST FIRM (FLOOD INSURANCE RATE MAP) FOR THE SUBJECT PROPERTY.

PROJECT NO.	2023-07-18
DATE	AUGUST 21, 2024
REVISED	NO
BY	J.W.
CHECKED	J.W.
DATE	08/21/24
SCALE	1"=200'
FILE NO.	2023-07-18
PLAT SHEET NO.	1

REZONING EXHIBIT FOR SHOFFNER, WILLIAMSON & FOUST FAMILY PROPERTIES, LLC
PARHAM DRIVE
 GRAHAM, NORTH CAROLINA 27253
 GRAHAM TOWNSHIP, ALAMANCE COUNTY

DWVA
ENGINEERS
PLANNERS
ARCHITECTS
LANDSCAPE ARCHITECTS

Borum, Wade and Associates, P.A.
 831 Empire Court, Suite 100, Graham, NC 27241-0711
 Tel: 813-358-2858 / Fax: 813-358-2885
 Email: info@borumwade.com / Website: www.borumwade.com
 N.C. License # C-08813

Rezoning Legal Description for
Shoffner, Williamson & Foust Family Properties, LLC
Parham Drive
Graham, North Carolina 27253

Beginning at a point in the recorded eastern margin of Broadway Drive as shown on a map entitled "Luther R. Shoffner" and recorded in Plat Book 68, Page 85 in the Office of the Register of Deeds of Alamance County, N.C., said point being the recorded northwestern property corner of Grantor (now or formerly) Foust Family Properties, LLC as described and recorded in Deed Book 3520, Page 846 and being Lot 2 as shown on a map entitled "T. Howell Foust" and recorded in said Plat Book 62, Page 71 in said Alamance County Registry), said point also being the recorded southwestern lot corner of Lot 133 as shown on a map entitled "Broad Acres, Section Seven" and recorded in Plat Book 50, Page 5 in said Alamance County Registry; thence, from said point of beginning, along Grantor's recorded northern property line, said southern lot line of said Lot 133, North 71°10'23" East 290.69 feet to a point, said point being the recorded southwestern property corner of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry and also being the recorded southeastern corner of said Lot 133; thence, along said Shoffners western property line and the recorded eastern line of Lots 133, 132A, 90A, 89A and 86A as shown on several maps entitled "Broad Acres, Plat Book 50, Page 5, Plat Book 46, Page 44, Plat Book 23, Page 80 & Plat Book 60, Page 40" in said Alamance County Registry the following seven (7) bearing and distances: 1) North 00°46'41" West 121.78 feet to a point; 2) North 00°46'41" West 110.19 feet to a point; 3) North 04°44'13" East 80.44 feet to a point; 4) North 15°15'48" West 20.91 feet to a point; 5) North 00°33'34" West 100.13 feet to a point; 6) North 00°12'37" West 155.61 feet to a point on the recorded southern margin of Wildwood Drive; 7) thence along the recorded eastern margin of Wildwood Drive North 00°12'37" West 54.20 feet to a point on the recorded northern margin of Wildwood Drive, said point being the recorded northwestern corner of said Martin L. Shoffner and also being a point on the recorded southern property line of (now or formerly) Fields Family Irrevocable Trust, Linnie Fields Jr. & Frances, Trust as described and recorded in Deed Book 2658, Page 823 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said Field Family the following two (2) bearing and distances: 1) South 67°57'52" East 12.17 feet to a point; 2) with a curve to the right, having a radius of 426.31 feet and a chord bearing and distance of South 60°36'19" East 99.77 feet to a point; thence, along the recorded western property line of said Shoffner and recorded eastern property line of said Fields the following three (3) bearing and distances: 1) North 12°47'21" East 195.04 feet to a point; 1) North 60°53'09" West 35.00 feet to a point; 3) North 02°24'44" West 216.23 feet to a point, said point being the recorded northwestern property corner of said Shoffner, the recorded northeastern property corner of said Fields and point also being located on the recorded southern property line of (now or formerly) Michael R. Allen as described and recorded in Deed Book 1336, Page 253 in said Alamance County Registry; thence, along the recorded northern property line of said Shoffner and the recorded southern property line of said Allen the following three (3) bearing and distances: 1) South 84°44'46" East 207.30 feet to a point; 2) South 84°44'46" East 222.30 feet to a point; 3) South 84°44'46" East 919.17 feet to a point, said point being the recorded northeastern property corner of said Shoffner and a point on the recorded southern property line of (now or formerly) Brian Reid as described and recorded in Deed Book 3674, Page 424 in said Alamance County Registry and also being located on the recorded northern lot line of Lot 16 as shown on a

map entitled "B.V. May Property" and recorded in Plat Book 1, Page 117 in said Alamance County Registry; thence, with a new proposed property line for said Shoffner (recorded in Deed Book 3440, Page 381 and Deed Book 2974, Page 539) the following five (5) bearing and distances: 1) South 25°53'51" West 531.72 feet to a point, said point being located on the recorded northern property corner of (now or formerly) Randy C. Williamson & Theresa P. Williamson as described and recorded in Deed Book 3827, Page 810 and also located on the recorded southern property line of said Shoffner (Deed Book 3440, Page 381 in said Alamance County Registry; 2) South 35°18'56" West 388.20 feet to a point, said point being located on the southern property line of said Williamson and also being located on the recorded northern property line of said Foust Family Properties, LLC; 2) South 27°39'39" West 400.24 feet to a point; 4) South 20°23'54" West 268.10 feet to a point; 5) South 22°54'53" West 273.32 feet to a point, said point being the recorded northwestern property corner of (now or formerly) Jean Monnett Ross as described and recorded in Deed Book 3618, Page 103 and also known as the recorded northwestern lot corner of Lot 1 as shown on a map entitled "Jean Monnett Ross" and recorded in Plat Book 78, Page 59 in said Alamance County Registry; thence, along with the recorded eastern property line of said Foust Family Properties, LLC and the recorded western property line of said Ross South 13°37'33" East 336.58 feet to a point, said point being the recorded southwestern property corner of said Ross, one of the recorded southeastern property corners of said Foust Family Properties, LLC and also being one of the recorded northeastern property corner of (now or formerly) Ivey Thomas Foust & ETAL as described and recorded in Deed Book 1583, Page 353 in said Alamance County Registry; thence, along with the recorded southern property line of said Foust Family Properties, LLC and the recorded northern property line of said Ivey Thomas Foust & ETAL the following seven (7) bearing and distances as it meanders and bends along the Little Alamance Creek: 1) South 52°12'27" West 102.11 feet to a point; 2) North 72°17'33" West 405.00 feet to a point; 3) North 53°30'33" West 290.00 feet to a point; 4) South 80°57'27" West 184.00 feet to a point; 5) South 71°09'27" West 325.00 feet to a point; 6) South 85°14'27" West 90.00 feet to a point; 5) North 49°12'24" West 50.10 feet to a point, said point being the recorded southwestern property corner of said Foust Family Properties, LLC and one of the recorded southeastern property corners of (now or formerly) Martin L. Shoffner as described and recorded in Deed Book 3440, Page 381 in said Alamance County Registry; thence, along the recorded western property line of said Foust Family Properties, LLC and the recorded eastern property line of said Martin L. Shoffner the following two (2) bearing and distances: 1) North 22°36'00" East 545.10 feet to a point; 2) North 22°36'00" East 400.53 feet to the point of beginning, containing an area of 52.17 acres, more or less.



**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.

S Main Windsor (RZ1904)
Type of Request
Rezoning
Meeting Dates
Planning Board on September 17, 2019
City Council on October 1, 2019

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

I move to **recommend DENIAL**.

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

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

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

3.2.1 Connectivity, 3.3.2 Focused Development, 4.3.1 Land Use Patterns, that it be approved.

This report reflects the recommendation of the Planning Board, this the 17th day of September, 2019.

Attest:

Dean Ward
Dean Ward, Planning Board Chairman

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.

S Main Windsor (RZ1904)

Type of Request

Rezoning

Meeting Dates

Planning Board on September 17, 2019
City Council on October 1, 2019

Choose one...

- I move that the application be **APPROVED**.
- I move that the application be **DENIED**.

Choose one...

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

State reasons...

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

This report reflects the decision of the City Council, this the 1st day of October, 2019.

Attest:

Gerald R. Peterman, Mayor

Darcy L. Sperry, City Clerk



I make a motion to go into Closed Session Pursuant to the provisions of N.C.G.S. §. 143-318-11 (a) (5): to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property located at 125 North Main Street (Parcel: 145867) owned by Forrest James Wrenn III, Trustee of the Forrest James Wrenn III Irrevocable Trust for one or more of the following public purposes: Historic Preservation, Transportation and/or Culture and Recreation.

I make a motion to close the closed session and open the regular session.