

**CITY OF GRAHAM
VIRTUAL SESSION
TUESDAY, JUNE 9, 2020
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, June 9, 2020, via livestreaming media.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Chip Turner
Council Member Melody Wiggins
Council Member Jennifer Talley
Council Member Ricky Hall

Staff Present:

Frankie Maness, City Manager
Aaron Holland, Assistant City Manager
Darcy Sperry, City Clerk
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Mary Faucette, Downtown Development Coordinator
Duane Flood, Police Lieutenant
Jeff Wilson, IT Systems Manager

Mayor Jerry Peterman called the meeting to order and presided at 6:02 p.m. Mayor Peterman gave the invocation.

Consent Agenda:

- a. Approve Minutes – May 12, 2020 Regular Session (Virtual)*
- b. Approve Tax Release*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
648047	2019	SALEM LEASING CORP	2015 INTL PROSTAR LOCATED IN DURHAM COUNTY	231.08

- c. *Approve Resolution Authorizing the approval of a Water Service Utility Contract with the Town of Haw River*

**RESOLUTION AUTHORIZING THE APPROVAL OF A
WATER SERVICE UTILITY CONTRACT WITH THE TOWN
OF HAW RIVER**

WHEREAS, The City of Graham and the Town of Haw River have a longstanding relationship in water and sewer utilities;

WHEREAS, the Town of Haw River desires to supplement their water supply, particularly for system pressure and fire suppression activities, by activating an interconnection(s) with the City of Graham;

WHEREAS, The City of Graham has available capacity.

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

The Mayor, City Manager and City Clerk are hereby authorized to execute a contract on behalf of the City to provide a water allocation of up to 5,000,000 gallons per month.

Adopted this 9th day of June 2020.

d. Approve FY 2019-2020 Budget Amendments

CITY OF GRAHAM BUDGET AMENDMENT ORDINANCE 2019-2020		
BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that the 2019 - 2020 Budget Ordinance shall be and is hereby amended as follows:		
Section 1.		
GENERAL FUND		
DEPARTMENT	APPROVED	AMENDED
City Council	55,700.00	55,700.00
Administrative	593,200.00	593,200.00
Information Technologies	348,700.00	348,700.00
Finance	407,100.00	407,100.00
Public Building & Ground	125,500.00	125,500.00
Police Department	4,148,700.00	4,148,700.00
Fire Department	1,184,800.00	1,184,800.00
Inspections	527,500.00	527,500.00
Traffic Engineering	92,500.00	92,500.00
Garage Warehouse	91,500.00	91,500.00
Street Department	1,730,600.00	1,730,600.00
Street Lights	132,000.00	132,000.00
Sanitation	832,600.00	832,600.00
Recreation	920,300.00	920,300.00
Graham-Mebane Lake	187,000.00	187,000.00
Athletic Facilities	397,100.00	397,100.00
Property Maintenance	788,900.00	788,900.00
Non Departmental	995,600.00	995,600.00
	13,559,300.00	13,559,300.00
Section 3.		
WATER & WASTEWATER		
EXPENDITURES	APPROVED	AMENDED
Water Billing admin	445,200.00	445,200.00
W&S Distribution	1,882,800.00	1,882,800.00
Maintenance & Lift Stations	292,100.00	292,100.00
Water Treatment Plant	1,917,200.00	1,967,200.00
Wastewater Treatment plant	1,660,800.00	1,660,800.00
Non Departmental	1,446,900.00	1,496,900.00
	7,645,000.00	7,745,000.00
Section 4		
WATER & WASTEWATER		
REVENUES	APPROVED	AMENDED
Water Charges	2,875,000.00	2,925,000.00
Sewer Charges	2,735,000.00	2,785,000.00
	5,610,000.00	5,710,000.00
Fund Total	7,645,000.00	7,745,000.00
Section 7		
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS		
REVENUES AND EXPENDITURES	APPROVED	AMENDED
State Drug Funds	100.00	10,100.00
Federal Drug Funds	100.00	70,100.00
	200.00	80,200.00
Adopted this 9th day of June 2020.		

e. Approve Close Out of the Jim Minor Road Park Capital Improvement Budget

Mayor Pro Tem Chip Turner made a motion to approve the Consent Agenda, seconded by Council Member Ricky Hall. All voted in favor of the motion.

Old Business:

a. Public Hearing: Petition for Voluntary Contiguous Annexation for 13.818 acres located at 919 and 957 Woody Drive (GPIN 8884821071 & 8884825405) (AN2001):

i. Approve Annexation Ordinance

Planning Director Nathan Page explained that this request seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is between Woody Drive and Whittemore Road, and water and sewer are both available at this location. Mr. Page added that the annexation process has multiple steps. Following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process.

Following a brief discussion between Council Members and staff regarding the cost analysis for this annexation, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Member Melody Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for two parcels on Woody Drive.

Before Mayor Peterman entertained a second, he re-opened the Public Hearing so the following individual could address this agenda item with Council Members via the livestream:

Royce Deuink – 961 Whittemore Rd. & 405 Cadbury Ct. Graham

With no further questions forthcoming, Mayor Peterman closed the Public Hearing and asked for a second on the motion by Council Member Wiggins. Council Member Ricky Hall seconded the motion and all voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE

CITY OF GRAHAM, NORTH CAROLINA

FOR TWO PARCELS ON WOODY DR AND WHITTEMORE RD (AN2001)

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 6:00 P.M. on June 9, 2020, after due notice by publication on May 21, 2020; 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 June 30, 2020:

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:

BEGINNING at an existing iron pipe on the western right of way of Whittemore Road, said iron pipe also being the northeastern property corner of T Group Land & Development, Inc. described in Deed Book 670, Page 711 in the Alamance County Register of Deeds; thence running from the right of way of Whittemore Road and running with the northern property of T Group Land & Development, Inc.; N 47°58'27" W, 370.49 feet to a new iron rod; thence following the corporate limits line described in Deed Book 696, Page 340 in the registry the next two calls, 1) N 42°37'42" E, 360.00 feet to a new iron rod, thence 2) N 47°18'34" W, 233.89 feet to a non-monumented point on the western right of way of Woody Drive; thence following the right of way on a curve to the right having a radius of 779.83 feet with a chord bearing and distance of N 36°19'07" E, 271.39 feet to a non-monumented point, thence continuing with the right of way N 22°12'19" E, 121.05 feet to a non-monumented point; thence S 81°42'09" E, 65.76 to an existing iron rod on the eastern right of way of Woody Drive, said iron rod also being the southwestern property corner of Richard and Jeanne Neal described in Deed Book 2047, Page 638 of the Registry; thence running from the right of way of Woody Drive, S 81°42'09" E, 219.82 to an existing iron pipe, also being the southeastern property corner of Richard and Jeanne Neal described in Deed Book 2047, Page 638 of the Registry and also being the southwestern property corner of Earl Smith described in Deed Book 246, Page 107 in the Registry, thence S 81°46'51" E, 310.90 to an existing iron pipe on the western right of way of Whittemore Road; thence S 84°47'46" E, 60.00 feet to a non-monumented point on the eastern right of way of Whittemore Road; thence running with the right of way for the next six calls, 1) S 05°12'13" W, 35.16 feet to a non-monumented point; thence 2) on a curve to left having a radius of 247.06 feet with

a chord bearing and distance of S 05°42'21" E, 93.52 feet to a non-monumented point; thence 3) S 17°26'48" E, 106.48 feet to a non-monumented point; thence 4) S 14°04'27" E, 90.17 feet to a non-monumented point; thence 5) S 46°06'23" W, 17.58 feet to a non-monumented point; thence 6) S 46°31'20" W, 896.08 feet to a non-monumented point; thence N 55°21'14" W, 61.11 feet to the point and place of BEGINNING containing 13.818 acres more or less.

Section 2. Upon and after June 30, 2020, 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 9th day of June, 2020.

Requests & Petitions from Citizens:

a. Public Hearing: 810 South Main Street B-2 (RZ2002). Request by Paul Williams to rezone property at 810 South Main Street from Residential (High Density) R-7 to General Business B-2 (GPIN 8883199976)

Mr. Page explained that this request is to rezone the subject property from R-7 to B-2. This lot was used as a single-family detached residence until recently. He added the stated reason for this rezoning request is “Exploring commercial options that will allow for construction of a business more in keeping with the Highway 87 corridor than the current single family home.” Mr. Page advised that the application was received in March and the 60 day window for the Planning Board to have a say in this matter has lapsed. Due to Covid-19, the Planning Board has not met and therefore has not made a recommendation on this request.

Council Members took turns asking staff about site plans, traffic congestion and cross access agreements. Council Member Jennifer Talley expressed concern with setting a precedent with bypassing the Planning Board. Council Member Wiggins noted that there are special circumstances that do legally allow Council to vote without a recommendation from the Planning Board. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

The developer for this project, Mr. Paul Williams of 418 North Marshall Street Winston Salem, joined the livestream and fielded questions from Council Members. Council Members asked about the business Mr. Williams is proposing for this property and encouraged Mr. Williams to speak to adjoining properties about possible shared access.

Council Members discussed setting up a meeting with officials in Raleigh to ask for assistance for a road to be constructed that would connect Bruce Turney Street and East Crescent Square Drive. By consensus, it was determined that Mayor Peterman and Mayor Pro Tem Turner would reach out to the officials in Raleigh.

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Following a brief discussion between Council Members, Council Member Hall made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: In keeping with Policy 2.2.1, and 2.2.3, as well as Strategy 1.1.5, rezoning the subject property would permit redevelopment more fitting of a Mixed Use Commercial district in a location which is increasingly less suited for single family residences. Mayor Peterman seconded the motion and all voted in favor of the motion.

b. Petition for Voluntary Non-Contiguous Annexation for 77 acres located on Jim Minor Road (GPIN 8893856817 & 8893762882) (AN2002):

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

Mr. Page explained that the area being considered for annexation is noncontiguous. While sewer is near the lot, the applicant anticipates extending municipal water service to the location. Mr. Page added that approval of these resolutions does not finalize the annexation, as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.

Mr. Page advised that the developer has also applied for conditional rezoning approval as well as subdivision approval.

Council Members and staff briefly discussed this project still having to go through the conditional rezoning process, cost analysis for annexing in this property and utility connections.

Mr. Tony Tate of 3120 A Timberlyne Drive Mebane, joined the livestream and fielded questions from Council Members. Mr. Tate advised that he is the landscape architect for this project and advised that they would be happy to make water available to the Graham Regional Park across the street if this project is approved. City Manager Frankie Maness advised that to develop at the density proposed, sewer service would have to be extended as well.

With no further comments forthcoming, Council Member Wiggins made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for two parcels on Jim Minor Road, seconded by Mayor Pro Tem Turner. All voted in favor of the motion. Additionally, Council Member Wiggins made a motion to approve the Resolution Fixing Date of July 14, 2020, for a Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 77 (+/-) acre site on Jim Minor Road, seconded by Council Member Hall. All voted in favor of the motion.

RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR TWO PARCELS ON JIM MINOR ROAD.

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 2, 2020, by the Graham City Council; and

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

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

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

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

**RESOLUTION FIXING DATE OF JULY 14, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31 FOR A 77 ACRE LOT OFF JIM MINOR ROAD (AN2002)**

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on July 14, 2020.

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

A CERTAIN TRACT OF LAND SITUATED IN MELVILLE TOWNSHIP, ALAMANCE COUNTY, NORTH CAROLINA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING 3/4 INCH IRON PIPE ON THE NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD (SR #2135) AND BEING A SOUTHEAST CORNER OF HEREIN DESCRIBED, SAID EXISTING 3/4 INCH IRON PIPE ALSO BEING A SOUTHWESTERLY CORNER OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 31.28 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 175.06 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH AN EASTERN LINE OF GREGORY N BARKMAN AND MARTHA BARKMAN AS DESCRIBED IN DEED BOOK 801 PAGE 646 NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 30.89 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME NORTH 03 DEG. 27 MIN. 57 SEC. EAST DISTANCE BEING 402.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A NORTHERN LINE OF THE SAME NORTH 86 DEG. 32 MIN. 57 SEC. WEST DISTANCE BEING 325.22 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 402.23 TO EXISTING 1/2 INCH IRON PIPE, ON THE AFORESAID NORTHERN MARGIN OF THE MAINTENANCE RIGHT OF WAY FOR N. JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 25 MIN. 57 SEC. WEST DISTANCE BEING 30.25 FEET TO A POINT IN THE CENTERLINE OF NORTH JIM MINOR ROAD (STATE ROAD#2135) AND THE NORTHERN LINE OF FORMERLY RALPH SCOTT PROPERTY AS SHOWN RECORDED ON PLAR BOOK 15 PAGE 68, THENCE WITH THE NORTHERN LINE OF SAID PROPERTY FORMERLY OWNED BY RALPH SCOTT AS SHOWN RECORDED IN PLAT BOOK 15 PAGE 68 NORTH 86 DEG. 27 MIN. 08 SEC. WEST DISTANCE BEING 116.81 FEET TO A POINT IN THE CENTER OF SAID NORTH JIM MINOR ROAD, THENCE WITH THE SAME NORTH 84 DEG. 03 MIN. 37 SEC. WEST DISTANCE BEING 203.60 FEET TO A COMPUTED POINT, THENCE WITH THE SAME NORTH 82 DEG.

26 MIN. 18 SEC. WEST DISTANCE BEING 86.92 FEET TO A NAIL IN THE SOUTHERN EDGE OF PAVEMENT ON NORTH JIM MINOR ROAD, THENCE WITH A WESTERN LINE OF HEREIN DESCRIBED ALSO BEING THE WEST LINE OF MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE EASTERN LINE OF ALAMANCE ACRES SUBDIVISION AS SHOWN RECORDED ON PLAT BOOK 74 PAGE 354 NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 39.09 FEET TO AN EXISTING 1/2 INCH IRON PIPE ON THE NORTHERN 30 FOOT RIGHT OF WAY FOR AFORESAID NORTH JIM MINOR ROAD AS SHOWN RECORDED ON PLAT BOOK 74 PAGE 354, THENCE WITH THE SAME NORTH 13 DEG. 24 MIN. 20 SEC. EAST DISTANCE BEING 282.61 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEAST CORNER OF LOT 2 OF THE AFORESAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 16 MIN. 35 SEC. EAST DISTANCE BEING 263.92 FEET TO AND EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHEASTERN CORNER OF LOT 3 OF THE SAID ALAMANCE ACRES SUBDIVISION, THENCE WITH THE SAME NORTH 13 DEG. 18 MIN. 58 SEC. EAST DISTANCE BEING 309.15 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE NORTH LINE OF SAID MICHAEL AND CAROLYN WHITE AS DESCRIBED IN DEED BOOK 1035 PAGE 627 AND BEING THE SOUTHERN LINE OF LOT 4 OF THE SAID ALAMANCE ACRES SUBDIVISION SOUTH 87 DEG. 07 MIN. 14 SEC. EAST DISTANCE BEING 10.05 FEET TO AN EXISTING 1/2 INCH IRON PIPE BEING THE SOUTHWEST CORNER OF SCOTT

ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467, THENCE WITH THE EASTERN LINE SAID ALAMANCE ACRES SUBDIVISION AND A WESTERN LINE OF SCOTT ASSOCIATES AS DESCRIBED IN DEED BOOK 1044 PAGE 467 NORTH 13 DEG. 23 MIN. 39 SEC. EAST DISTANCE BEING 41.08 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF NORTH 24 DEG. 19 MIN. 53 SEC. WEST CHORD DISTANCE BEING 952.95 FEET ARC-LENGTH BEING 1,025.30 FEET AND HAVING A RADIUS OF 779.37 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME NORTH 61 DEG. 59 MIN. 03 SEC. WEST DISTANCE BEING 70.09 FEET TO A NEW IRON PIPE, THENCE WITH THE SAME BEING A CURVE TO THE LEFT A CHORD BEARING OF SOUTH 76 DEG. 12 MIN. 07 SEC. WEST CHORD DISTANCE BEING 606.70 FEET ARC-LENGTH BEING 664.09 FEET AND HAVING A RADIUS OF 455.00 FEET TO A NEW IRON PIPE ON THE NORTHERN TERMINUS OF ATLAS DRIVE,

THENCE WITH THE EASTERN LINE OF LOT 11 OF THE SAID ALAMANCE ACRES NORTH 32 DEG. 21 MIN. 31 SEC. WEST DISTANCE BEING 743.90 FEET TO A PINCH TOP IRON PIPE IN THE SOUTHERN LINE OF JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1, SAID EXISTING PINCH TOP IRON PIPE ALSO HAVING 83 NORTH CAROLINA GRID COORDINATES OF N=835,570.3559 FEET AND E=1,896,696.1015 FEET, SAID PINCH TOP IRON ALSO BEING THE NORTHWESTERN MOST CORNER OF HEREIN DESCRIBED, THENCE WITH THE SOUTHERN LINE OF SAID JANET L. SCOTT AND OTHERS AS RECORDED IN DEED BOOK 323 PAGE 513 TRACT 1 AND AS SHOWN AS LOT 1 RECORDED IN PLAT BOOK 73 PAGE 135 NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 1206.16 FEET TO AN EXISTING IRON PIPE ON THE TOP OF THE BANK FOR MILL CREEK, THENCE NORTH 72 DEG. 59 MIN. 41 SEC. EAST DISTANCE BEING 24.00 FEET TO THE CENTER OF SAID MILL CREEK, THENCE WITH THE CENTER OF MILL CREEK AND THE SOUTHERN LINE OF CARL A. WESTMAN AS DESCRIBED IN DEED BOOK 2976 PAGE 166 SOUTH THE FOLLOWING 27 CALLS:

1. SOUTH 33 DEG. 53 MIN. 04 SEC. EAST DISTANCE BEING 45.11 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
2. SOUTH 55 DEG. 57 MIN. 33 SEC. EAST DISTANCE BEING 24.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
3. NORTH 76 DEG. 48 MIN. 13 SEC. EAST DISTANCE BEING 130.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
4. NORTH 66 DEG. 17 MIN. 28 SEC. EAST DISTANCE BEING 53.20 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
5. NORTH 41 DEG. 59 MIN. 56 SEC. EAST DISTANCE BEING 38.01 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
6. NORTH 59 DEG. 48 MIN. 51 SEC. EAST DISTANCE BEING 44.91 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
7. NORTH 76 DEG. 32 MIN. 19 SEC. EAST DISTANCE BEING 35.56 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
8. SOUTH 70 DEG. 10 MIN. 34 SEC. EAST DISTANCE BEING 44.07 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

9. NORTH 85 DEG. 16 MIN. 13 SEC. EAST DISTANCE BEING 37.48 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
10. NORTH 50 DEG. 51 MIN. 30 SEC. EAST DISTANCE BEING 47.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
11. SOUTH 72 DEG. 12 MIN. 13 SEC. EAST DISTANCE BEING 28.85 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
12. SOUTH 28 DEG. 12 MIN. 08 SEC. EAST DISTANCE BEING 26.02 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
13. SOUTH 64 DEG. 22 MIN. 58 SEC. EAST DISTANCE BEING 29.18 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
14. SOUTH 82 DEG. 58 MIN. 28 SEC. EAST DISTANCE BEING 77.81 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
15. SOUTH 54 DEG. 00 MIN. 59 SEC. EAST DISTANCE BEING 27.61 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
16. SOUTH 31 DEG. 08 MIN. 07 SEC. WEST DISTANCE BEING 36.79 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
17. SOUTH 17 DEG. 23 MIN. 16 SEC. WEST DISTANCE BEING 24.12 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
18. SOUTH 36 DEG. 34 MIN. 02 SEC. EAST DISTANCE BEING 29.60 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
19. NORTH 72 DEG. 03 MIN. 37 SEC. EAST DISTANCE BEING 35.84 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
20. SOUTH 81 DEG. 37 MIN. 23 SEC. EAST DISTANCE BEING 57.59 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
21. SOUTH 88 DEG. 43 MIN. 16 SEC. EAST DISTANCE BEING 14.97 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK
22. SOUTH 04 DEG. 53 MIN. 15 SEC. EAST DISTANCE BEING 54.10 FEET,
THENCE WITH THE CENTER OF SAID MILL CREEK

23. SOUTH 33 DEG. 19 MIN. 54 SEC. EAST DISTANCE BEING 31.05 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

24. SOUTH 80 DEG. 44 MIN. 54 SEC. EAST DISTANCE BEING 23.36 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

25. SOUTH 42 DEG. 50 MIN. 06 SEC. EAST DISTANCE BEING 17.97 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

26. NORTH 87 DEG. 54 MIN. 46 SEC. EAST DISTANCE BEING 152.20 FEET,

THENCE WITH THE CENTER OF SAID MILL CREEK

27. SOUTH 85 DEG. 45 MIN. 40 SEC. EAST DISTANCE BEING 22.11 FEET,

THENCE WITH THE SOUTHERN LINE OF SAID CARL A. WESTMAN AND LEAVING THE AFORESAID MILL CREEK SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 505.10 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 49 DEG. 54 MIN. 10 SEC. EAST DISTANCE BEING 461.68 FEET TO A REBAR IN CONCRETE, THENCE WITH A NORTHER LINE OF EDWARD A. FRESHWATER AND WIFE IVA FRESHWATER AS DESCRIBED IN DEED BOOK 3563 PAGE 388 SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 50.36 FEET TO AN EXISTING IRON PIPE, THENCE WITH THE SAME SOUTH 74 DEG. 12 MIN. 04 SEC. WEST DISTANCE BEING 433.94 FEET TO AN EXISTING REBAR IN CONCRETE, THENCE WITH A WESTERN LINE OF THE SAME SOUTH 03 DEG. 27 MIN. 56 SEC. WEST DISTANCE BEING 930.51 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE SAME SOUTH 03 DEG. 26 MIN. 55 SEC. WEST DISTANCE BEING 290.49 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF RUTH A. FRESHWATER AS DESCRIBED IN DEED BOOK 989 PAGE 370 SOUTH 03 DEG. 26 MIN. 11 SEC. WEST DISTANCE BEING 130.12 FEET TO AN EXISTING 3/4 INCH IRON PIPE, THENCE WITH A NORTHER LINE OF CHRISTOPHER A. MITSCHERLICH AS DESCRIBED RECORDED IN DEED BOOK 3937 PAGE 0089 NORTH 86 DEG. 32 MIN. 06 SEC. WEST DISTANCE BEING 149.94 FEET TO AN EXISTING 1/2 INCH IRON PIPE, THENCE WITH THE WESTERN LINE OF SAID CHRISTOPHER A. MITSCHERLICH SOUTH 03 DEG. 26 MIN. 27 SEC. WEST DISTANCE BEING 439.64 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 77.25 ACRES MORE OR LESS.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 9th day of June, 2020.

c. Petition for Voluntary Contiguous Annexation for 6.37 acres located at 1455 East Harden Street (GPIN 8893072659) (AN2003):

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

Mr. Page explained that the area being considered for annexation is contiguous along the South side. Water is available at this location, with the applicant to extend private lines internal to the lot. He added that approval of this resolution does not finalize the annexation, as Council is required to advertise and conduct a public hearing, followed by a vote on an annexation ordinance.

Following a brief discussion, Council Member Wiggins made a motion to approve the Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31 for a parcel located at 1455 East Harden Street, seconded by Council Member Hall. All voted in favor of the motion.

Additionally, Council Member Wiggins made a motion to approve the Resolution Fixing Date of July 14, 2020, for a Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 6.37 acre site on East Harden Street, seconded by Council Member Hall. All voted in favor of the motion.

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-31
FOR PROPERTY AT 1455 E HARDEN STREET**

WHEREAS, a petition requesting annexation of an area described in said petition was received on June 2, 2020, by the Graham City Council; and

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

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

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

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

**RESOLUTION FIXING DATE OF JULY 14, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION
PURSUANT TO G.S. 160A-31 FOR A 6.37 ACRE LOT AT 1455 E HARDEN STREET (AN2003)**

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

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

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

Section 1. A public hearing on the question of annexation of the area described herein will be held at the City Hall, 201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on July 14, 2020.

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

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

A certain tract or parcel of land situated in Graham Township, Alamance County, North Carolina, adjoining the lands of NC Highway 54 (E. Harden Street), City of Graham and Michael P Hodges and wife Brenda B. Hodges and being more particularly described as follows:

Beginning at an existing iron pin in the southern margin of the 120 feet right of way of NC Highway 54 (E. Harden Street) and in the western line of the City of Graham; running thence along and continuous with the existing corporate limits line of the City of Graham S 5° 49' 00" W 178.23 feet to an existing iron pin, corner with the City of Graham; running again along and continuous with the northern corporate limits line of the City of Graham, N 88° 27' 00" W 551.88 feet to an existing iron corner pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 401.42 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham N 87° 42' 00" W 223.70 feet to an existing iron pin in the property line of the City of Graham, continuing with the City of Graham and the eastern boundary of Michael P Hodges and wife Brenda B Hodges, N 67° 30' 31" E 827.12 feet to an existing iron pin, continuing again with Hodges, N 83° 53' 02" E 35.15 feet to an existing iron pin, corner of Hodges, continuing again with Hodges N 60° 22' 57" E 170.18 feet to an existing iron pin corner with Hodges in the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street); thence along the southern margin of the 120 feet right of way of NC Highway 54(E. Harden Street) S 42° 41' 58" E 12.00 feet to an existing iron pin; running thence again with the southern margin of the 120 foot right of way of NC Highway 54(E. Harden Street), S 42° 48' 33" E 351.87 feet to the point of beginning and containing 6.37 acres ± (0.0099 square miles) and being an extension of the City of Graham Corporate Limits.

The foregoing description was taken from a map prepared by Boswell Surveyors, Inc. dated 5/21/2020 entitled Final Plat, Voluntary Satellite Annexation Corporate Limits Extension City of Graham.

Section 3. Notice of the public hearing shall be published once in The Alamance News, a newspaper having general circulation in the City of Graham, at least ten (10) days prior to the date of the public hearing.

Adopted this the 9th day of June, 2020.

Public Hearing: Adoption of Budget Ordinance for FY 2020-2021

Mr. Maness explained that the Budget Ordinance is the financial plan for the City for the fiscal year 2020-2021. State law requires that the City adopt a balanced annual budget following a public hearing prior to July 1st. He added that the attached Budget Ordinance accounts for all anticipated revenues and expenditures for all operating funds for the upcoming fiscal year, including capital expenditures and other special funds. The proposed budget ordinance does not appropriate funds on a line by line basis (object basis), but rather on a departmental basis. Mr. Maness further explained that the Budget Ordinance captures all revenues and expenditures outlined in the City Manager's Recommended Budget. Most notably is the revenue and expenditures for added debt service for the Boyd Creek Pump Station (\$130,000) and preparation for the Waste Water Treatment Plant Improvements and Expansion Project that has an estimated debt service of \$1,250,000. Mr. Maness added that the total of all funds is \$28,035,640. The tax rate remains at \$.455 per \$100.00 of valuation and all General Fund fees remain unchanged. Water and sewer user charges are adjusted to reflect the actual costs as well as upcoming debt service requirements. Average water users will see a decrease in charges while average sewer users would realize an increase. Average users of both will see an overall increase in charges as the increase in sewer rates exceeds the reduction in water rates. A handful of customers with minimal usage may actually realize a decrease.

With no comments from City Council forthcoming, Mayor Peterman opened the Public Hearing. City Clerk Darcy Sperry read an email received through the public comments portal for this meeting from Ms. Anne Haviland of 507 North Main Street Graham. Ms. Haviland expressed concern with the amount of monies budgeted to the Police Department, specifically mentioning school resource officers. She asked Council to "have an open mind and consider who is best suited to address issues in Graham and direct funds to the most ideal solution." Mayor Peterman spoke of the value of police officers within schools. Council Member Talley stated she would like to add one fulltime police officer to the proposed budget, as officers are asked to do a lot.


Graham Police Lieutenant Duane Flood joined the livestream meeting to speak about the value of school resource officers. Mr. Nathaniel Griffin joined the livestream meeting to speak about the misunderstanding of defunding police departments. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Talley again asked Council Members to consider funding one additional fulltime police officer. Council Members agreed that there is a need for more police officers, but funding additional personnel is not possible at this time without dismantling other City services.

Council Member Talley informed Council Members that she had issues with Mr. Maness' proposed water and sewer rates and she had met with him about this. Mr. Maness stated that while his proposal is one that he really likes, he did build a new model based on his discussions with Council Member Talley. He gave Council Members another model to consider that is an increasing block structure that encourages water conservation. He stated that the more you use the higher rate you would pay. Mr. Maness added that he would be comfortable using either rate structure.

He added that water and sewer rates are something that will need to be revisited for the next several years, as our water facilities undergo major required upgrades. Council Members agreed that they would support the proposed model that Mr. Maness and Council Member Talley developed.

Mayor Peterman made a motion to adopt the Budget Ordinance with tonight's proposed water rate changes for Fiscal Year 2020-2021, seconded by Council Member Wiggins. Ayes: Mayor Peterman, Mayor Pro Tem Turner and Council Member Wiggins. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.



Budget Ordinance

FY 2020-2021

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

Section 1. The following amounts are hereby appropriated in the General Fund for the operation of City Government; its activities and capital improvements for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, in accordance with the Chart of Accounts heretofore established for the City:

City Council	\$44,600
Administration	\$616,500
Information Technology	\$384,000
Finance	\$394,900
Public Buildings	\$132,600
Police	\$4,385,300
Fire	\$1,553,300
Inspections	\$550,600
Traffic Engineering	\$92,000
Garage and Warehouse	\$95,300
Streets & Highways	\$1,514,300
Street Lights	\$132,000
Sanitation	\$872,400
Recreation	\$917,900
Lake	\$177,400
Athletic Facilities	\$392,300
Property Maintenance	\$758,900
Non-Departmental	\$1,053,500
FUND TOTAL	\$14,067,800

Section 2. It is estimated that the following revenues will be available in the General Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021.

Ad Valorem Taxes	\$5,713,600
Investment Earnings	\$87,000
Miscellaneous	\$415,600
Other Taxes/Licenses	\$100
Permits/Fees	\$136,000
Restricted Intergovernmental	\$534,500
Sales/Services	\$638,300
Unrestricted Intergovernmental	\$5,049,500
Fund Balance	\$1,493,200
Fund Total	\$14,067,800

Section 3. The following amounts are hereby appropriated in the Water & Sewer Fund for its operations, activities and capital improvements for the Fiscal Year beginning July 1, 2020

and ending June 30, 2021, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	\$415,500
Water and Sewer Distribution	\$1,860,300
Maintenance & Lift Station	\$221,800
Water Treatment Plant	\$2,011,100
Wastewater Treatment Plant	\$1,586,600
Non Departmental Admin	\$2,055,500
FUND TOTAL	\$8,150,800

Section 4. It is estimated that the following revenues will be available in the Water & Sewer Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021.

Non-Operating	\$187,000
Operating	\$180,600
Other Financing Sources	\$634,200
Services	\$7,149,000
FUND TOTAL	\$8,150,800

Section 5. The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	951,700
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Section 6. It is estimated that the following revenues will be available in the Garage Fund for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021 based on a labor rate of \$75 per hour.

Ala Co Fuel	189,100
City Of Graham Parts	281,600
City Of Graham Labor	218,000
City Of Graham Fuel	225,100
Graham Housing Parts	3,500
Graham Housing Labor	3,700
Graham Housing Fuel	7,600
Green Level Parts	4,500
Green Level Labor	4,700
Green Level Fuel	9,900
ABC Parts	200
ABC Fuel	3,100
Interest On Investments	600
Miscellaneous Income	100
Total	\$951,700

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

	Revenues	Expenditures
FEDERAL DRUG MONIES	\$100	\$100
STATE DRUG MONIES	\$100	\$100
GRAHAM MEMORIAL PARK	\$0	\$0
GRAHAM REGIONAL PARK INCLUSIVE PLAYGROUND	\$903,140	\$903,140
JIM MINOR ROAD PARK	\$0	\$0
BOYD CREEK PUMP STATION	\$3,962,000	\$3,962,000
TOTALS:	\$4,865,340	\$4,865,340

Section 8. There is hereby levied a tax at the rate of \$.455 per one hundred dollar (\$100.00) of valuation of property as listed for taxes as of January 1, 2020 for the purpose of raising the Revenue listed as "Ad Valorem Taxes" in Section 2. Such rates are based on an estimated total valuation of property for the purposes of taxation of \$1,279,000,000 (100% valuation) with an anticipated collection rate of 97%.

Section 9. The City of Graham Fee Schedule shall be amended as follows and effective December 31, 2020 and water and sewer under billings are limited to a 1 year look back period:

Sewer Base Rate	\$3.30
Sewer Rates per 1,000 gallons:	
0-1000	\$4.00
1,001-10,000	\$7.75
10,001-100,000	\$7.80
100,001-1,000,000	\$7.85
1,000,001-2,000,000	\$7.90
2,000,000+	\$7.95
Unmetered Sewer Charge (per month)	\$46.56
Outside User Sewer Surcharge (per month)	\$19.80
Water Base Rate	\$3.30
Water Rates per 1,000 gallons (Inside city limits)	
0-1000	\$3.15
1,001-10,000	\$3.50
10,001-100,000	\$3.55
100,001-1,000,000	\$3.60
1,000,001-2,000,000	\$3.65
2,000,000+	\$3.70
Water Rate (Outside City Limits)	Double inside rates
Water Base Rate (Outside City Limits)	\$6.60
Municipal Customers (per 1,000 gallons)	Inside rates

Section 10. The City of Graham Capital Improvement Plan 2020-2025 is hereby approved and amended per the appropriations for improvements contained herein. For the purpose of tracking capital items, there shall be a threshold of \$5,000.

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

Adopted this 9th day of June 2020.

Approve Temporary Outdoor Dining in the Central Business District (B-1) During Covid-19 Pandemic

Downtown Development Coordinator Mary Faucette explained that we continue to be in the midst of a national and international pandemic health situation, which is having a negative impact on us all, from a health perspective, personal financial perspective, business perspective, and mental and emotional wellbeing perspective. She added that small independent businesses are a major part of our local economy. Mrs. Faucette reviewed Governor Cooper's Executive Order 118 and Executive Order 141 and spoke of how both have made it difficult for businesses to open and operate in their existing footprints without negative financial impact. She informed Council Members that a recent survey sent to Graham's B-1 business owners returned 58.3% of respondents stating a need to extend their outdoor seating space. On behalf of the downtown business community, Mrs. Faucette requested that Council approve outdoor dining in the B-1 upon sidewalks and parking spaces (where applicable), until Governor Cooper reinstates indoor dining capacity to Pre-COVID levels.

Council Members expressed concern with placing tables in parking spaces. Also discussed was liability insurance, with City Attorney Bryan Coleman advising Council that should they choose to proceed with this request, they require businesses to supply the City with a certificate of liability insurance listing the City as additional insured. Council Members also discussed table placement on the sidewalks and bringing all businesses into compliance with outdoor seating.

Mayor Peterman made a motion that the City Manager or his designee the authority to approve outdoor dining in the B-1 upon sidewalks until Governor Roy Cooper reinstates indoor dining capacity to Pre-Covid levels, and businesses provide the City with insurance listing the City as additional insured. Council Member Hall seconded the motion and all voted in favor of the motion.

Issues Not on Tonight's Agenda (Public Comment Period):

Mr. Griffin once again joined the livestream and thanked the Council for making these meetings more accessible to the public. He also thanked the City of Graham and the Graham Police Department for their participation in the recent Tour of Graham and Prayer Walk events. Mayor Peterman stated he was moved by both events.

Crystal Kortiz joined the livestream and inquired about the confederate statue that sits in front of the Alamance County Historic Courthouse. She asked that Council consider removing it. Mayor Peterman advised that the statue does not belong to the City of Graham and noted that it sits on NCDOT property. He suggested she reach out to NCDOT as well as state officials in Raleigh.

Mr. Maness advised that Pursuant to N.C.G.S. 166A-19.24 (e), written comments may be submitted to publiccomments@cityofgraham.com for a period of 24 hours following the conclusion of this meeting.

Ms. Sperry advised that the City received two emails via the public comments email provided for this meeting. She read the first email, from Mr. Rick Miller of 710 Oakgrove Drive Graham, who thanked the City for keeping Graham safe and civil during this time of unrest. The second email she read was from Retired Sergeant First Class Adam Rose of 3561 Boywood Road Graham. Mr. Rose expressed dissatisfaction with the recent curfews set by Mayor Peterman.

At 8:37 p.m., Council Member Hall left the livestream meeting.

Council Member Talley asked Mayor Peterman what goes into the decision to have a virtual meeting. Mayor Peterman advised that it is his call, much like the call for a curfew and he is abiding by the Governor's order. Council Member Talley stated she had not heard one threat about the statue, but appreciates what Mayor Peterman has done to keep businesses and residents safe with implementing curfews.

At 8:45 p.m., Council Member Wiggins made a motion to adjourn, seconded by Council Member Talley. All voted in favor of the motion.

Darcy Sperry, City Clerk