

**CITY OF GRAHAM  
VIRTUAL SESSION  
TUESDAY, OCTOBER 13, 2020  
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, October 13, 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  
Jeff Wilson, IT Systems Manager  
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Everyone stood to recite the Pledge of Allegiance.

**Consent Agenda:**

- a. *Approve Minutes – September 8, 2020 Regular Session (Virtual)*
- b. *Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
OCTOBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
663553	2020	BURGNER, HANS NEWTON	JET SKIS & BOAT NOT IN CITY LIMITS	261.76
627803	2020	WELCH, CHAD ORIN	DID NOT OWN BOAT JAN 1	4.55
692010	2020	QUINTERO, MARIELA	MOBILE HOME DOUBLE LISTED	14.56
114344	2020	PURE FLOW INC	VEHICLE DOUBLE LISTED	\$416.84
674787	2020	OWEN, JOHNSON LIFE ESTATE	QUALIFIED FOR HOMESTEAD EXEMPTION	\$284.16
693806	2020	LANGBEEN, JOYCE M	QUALIFIED FOR HOMESTEAD EXEMPTION	\$478.99
167531	2020	LAMBERT, BRODIE LEE SR	QUALIFIED FOR HOMESTEAD EXEMPTION	\$289.54

- c. *Approve Resolution Authorizing Conveyance of Surplus Gym Equipment to Alamance-Burlington School System Pursuant to G.S. 160A-274*

**RESOLUTION AUTHORIZING CONVEYANCE OF SURPLUS GYM EQUIPMENT  
TO ALAMANCE-BURLINGTON SCHOOL SYSTEM PURSUANT TO G.S. 160A-274**

**WHEREAS**, the City of Graham has surplus gym equipment that it desires to dispose of; and

**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 the surplus gym equipment to Alamance-Burlington School System, 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 Alamance-Burlington School System the following personal property:
  - LK 540 Recumbent Bike; and
  - Precor Decline Bench; and
  - PCL Fixed Barbell Machine
2. The property herein described shall be conveyed for no consideration and with the condition that the equipment be inspected and repaired as necessary before use.
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 13th day of October 2020.

- d. Petition for Voluntary Contiguous Annexation for 34.441 acres located off Darrell Drive and Council Road (GPIN 8873608974) (AN2005):*
- i. Approve Resolution Requesting City Clerk to Investigate Sufficiency*
  - ii. Approve Resolution Fixing Date of Public Hearing on Questions of Annexation*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER G.S. 160A-31  
FOR PROPERTY OFF COUNCIL AND DARRELL DRIVE (AN2005)**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on October 1, 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 NOVEMBER 10, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31 FOR A 34.441 ACRE LOT OFF COUNCIL AND DARRELL DRIVE (AN2005)**

**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 November 10, 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:

BEGINNING at an existing stone, said stone also being on the southern property line of Peggy H. Kendrick.; N 71°43'08" E, 315.40 feet to an existing iron pipe; thence N 71°33'04" E, 355.94 feet to an existing iron pipe; thence S 39°16'48" E, 612.13 feet to an existing iron pipe; thence S 83°26'03" E, 93.54 feet to an existing iron pipe; thence S 28°51'18" E, 229.17 feet to an existing iron pipe; thence N 85°27'12" E, 29.05 feet to an existing iron pipe; thence S 28°22'50" W, 31.58 feet to an existing iron pipe; thence S 29°04'23" E, 84.43 feet to an existing iron pipe; thence S 17°49'38" E, 178.04 feet to an existing iron pipe; thence S 2°41'29" W, 168.81 feet to an existing iron pipe; thence N 67°26'46" E, 66.68 feet to an existing iron pipe point; thence S 51°50'38" E, 294.29 feet to an existing iron pipe; thence S 71°14'16" E, 307.11 feet to an existing iron pipe; thence S 12°47'28" E, 181.21 feet to an existing iron pipe; thence S 46°45'39" W, 551.25 feet to an existing iron pipe; thence S 45°17'09" W, 228.12 feet to an existing iron pipe on the northeastern right of way of Council Road; thence leaving the right of way N 36°48'42" W, 1,244.35 feet to an existing iron pipe; thence N 36°04'06" W, 1,094.46 feet to the point and place of BEGINNING containing 34.441 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 13<sup>th</sup> day of October, 2020.**

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

**Old Business/Recommendations from Planning Board:**

a. ***Public Hearing: Cherry Creek (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808)***

i. ***AN2004 Cherry Creek. Annexation Ordinance for Voluntary Non-Contiguous Annexation for (+/-) acres located on Sugar Ridge Road and Jimmie Kerr Road***

Assistant City Manager Aaron Holland explained that the 70 +/- acre area being considered for annexation is noncontiguous.

While sewer is on the lot, the applicant anticipates extending municipal water service to the location. He added 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. Mr. Holland further added that the fiscal impact of the proposed development varies greatly depending upon the potential conditions approved by City Council. If the lot sizes are required to be no smaller than 12,000 square feet, as recommended by the Planning Board, they will cost more to serve than they will return in revenue, therefore would not support urban services. He stated that if the northern part of the neighborhood is five dwellings per acre or more and the southern portion of the neighborhood has larger lots, a revenue balance is possible. Mr. Holland advised that staff is recommending denial, as a portion of the subject property is within the North Carolina Commerce Park (NCCP), where the City and its partners have made a significant investment to support large scale development.

Council Member Jennifer Talley asked staff to provide Council Members with a copy of the model they use to determine what a favorable project is for the City versus what is not. She expressed concern that staff is recommending denial for this project, yet recommended approval for a similar project last month. Mr. Holland stated that this project differs because of the land located within the NCCP. Mayor Pro Tem Turner and Mayor Peterman asked staff about streets and density required to have the City break even, respectively. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members via the livestream:

Mike Owens-3545 Dixon Rd. Durham	Tony Tate-5011 S. Park Dr. Durham
Andrew Cagle-1322 N. Jim Minor Rd. Graham	Stephanie Ward-2072 Jimmie Kerr Rd. Graham
Michael White-5500 Tillery Ln. Gastonia	Angela Willis-1408 N. Jim Minor Rd. Haw River

Throughout the Public Hearing, Council Members discussed this request with staff and project developers Mr. Owens and Mr. Tate. Planning Director Nathan Page informed Council that the City has received a proposed industrial project that may be a better fit for the City. Council Member Talley stated that she likes less density, even if it costs the City more money. She also expressed concern that staff did not disclose this information from the beginning. Council Member Melody Wiggins spoke on how sales tax is distributed throughout the County, how density affects City expenses/revenues, housing developments next to industrial sites. City Manager Frankie Maness referred to the fiscal impact included on the staff report. He stated that the staff recommendation is based on proximity and not cost. Following the discussion, Mayor Peterman closed the Public Hearing.

Mayor Peterman found it troubling that the developers had done all this work and staff still recommends denial. Mayor Pro Tem Turner agreed. Mayor Peterman reopened the Public Hearing to allow Mr. Tate to address Council once again. Mr. Tate stated that they have spent a lot of time and money on this project and asked Council to consider continuing this for one month, to allow for an alternative plan that will work for all parties.

Council Member Hall made a motion to allow Mr. Tate and his group to continue this, or table this to such time they are willing to bring it back, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- ii. **CR2003 Cherry Creek. Application by Tony Tate for rezoning and initiation of zoning for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road***
- b. **S2004 Cherry Creek. Application by Tony Tate for subdivision for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road***

On the advice from Mr. Page, Mayor Peterman made a motion to table item 2 (a) (ii) and (b) pursuant to the same, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

City Attorney Bryan Coleman advised that since the Public Hearing for the annexation was closed, we might have to provide public notice again.

### **Requests & Petitions from Citizens:**

- a. **Request by Sylvester Allen to close Sesquicentennial Park from 5:30 p.m. – 8:00 p.m. on Saturday, October 24, 2020 for a demonstration honoring Wyatt Outlaw***

Mayor Peterman advised that Mr. Allen had withdrawn his request at this time.

### **Boards & Commissions Appointments:**

- a. **Historic Resources Commission – term expires 2021***

Mayor Peterman explained that each Council Member would be asked to choose the candidate they would like to see appointed and the candidate with the most votes would be who is appointed.

The following represents the votes cast by Council Members:

Council Member	Applicant
Mayor Peterman	Stephen West
Mayor Pro Tem Turner	Matthew Haley
Council Member Wiggins	Matthew Haley
Council Member Talley	Stephen West
Council Member Hall	Stephen West

Mayor Peterman asked Council Members for a vote for Matthew Haley. Ayes: Mayor Pro Tem Turner and Council Member Wiggins. Nays: Mayor Peterman, Council Member Talley and Council Member Hall. Mayor Peterman then asked for a vote for Stephen West. Ayes: Mayor Peterman, Council Member Talley and Council Member Hall. Nays: Mayor Pro Tem Turner and Council Member Wiggins. Mayor Peterman declared that Stephen West would fulfill the term expiring in 2021.

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

Reverend Greg Drumwright of 4 Oliver Court Greensboro asked for Council approval for the closure of North Main Street to convene the I Am Change March to the Polls on October 31, 2020.

Following a discussion between Council Members, Mr. Drumright and staff, Mayor Peterman directed Mr. Drumwright to reach out to our Police Chief for guidance.

Mr. Maness mentioned the recent announcement by UPS of their commitment in bringing a \$250,000,000 investment and 450+ jobs to the community. He added that this is the largest economic development investment in the history of the County. He extended his appreciation to Council for their support, to staff that participated in the recruitment process and to the City of Mebane and Alamance County.

Council Member Wiggins thanked staff for their work on the UPS project. She also announced that Passion restaurant and a new florist located behind Shamrock Nutrition are now open, as well as announced that Beer Co. has changed their name to Little Brothers.

Mayor Pro Tem Turner thanked Mr. Maness and staff for their work on the UPS project.

Council Member Hall thanked staff for the work done with UPS. He also asked if there was an update to the concern for additional stops signs on Pomeroy Street. Mr. Holland advised that he had recently spoken to the Police Department and they are still looking into it.

Council Member Talley informed everyone that there is a big push on social media to promote first responders and she hoped that the City would share posts online.

At 7:39 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

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Darcy Sperry, City Clerk