# CITY OF GRAHAM VIRTUAL SESSION TUESDAY, NOVEMBER 10, 2020 6:00 P.M.

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, November 10, 2020, via livestreaming media.

| Council Members Present:       | Staff Present:                                  |
|--------------------------------|---|
| Mayor Jerry Peterman           | Frankie Maness, City Manager                    |
| Mayor Pro Tem Chip Turner      | Aaron Holland, Assistant City Manager           |
| Council Member Melody Wiggins  | Darcy Sperry, City Clerk                        |
| Council Member Jennifer Talley | Bryan Coleman, City Attorney                    |
| Council Member Ricky Hall      | 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. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

#### Consent Agenda:

- a. Approve Minutes October 13, 2020 Regular Session (Virtual)
- b. Approve Tax Releases

| RELEASE ACCOUNTS |      |                              |  |          |
|------------------|------|------------------------------|--|----------|
| NOVEMBER         | t    |                              |  | AMOUNT   |
| ACCT #           | YEAR | NAME                         | REASON FOR RELEASE   | RELEASED |
| 492074           | 2020 | HAIR ARTE - GINGER B. RHOADS | BPP SUPPLIES VALUED INCORRECTLY                              | \$2.50   |
| 692155           | 2020 | ANDERSON, DEBBIE M.          | MOBILE HOME DOUBLE LISTED                                    | \$28.39  |
| 1100099          | 2020 | FRC, LLC                     | CORPORATE EXCESS - CORRECTED VALUE BY<br>NC DEPT. OF REVENUE | \$25.29  |

- c. Petition for Voluntary Non-Contiguous Annexation for 70 (+/-) acres located on Sugar Ridge Road and Jimmie Kerr Road (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808) (AN2004):
  - *i.* Approve Resolution Directing Clerk to Investigate Sufficiency
  - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation

| <u>RESOLUTION DIRECTING THE CLERK TO INVESTIGATE</u><br><u>A PETITION RECEIVED UNDER G.S. 160A-58</u><br>FOR FIVE PARCELS ON SUGAR RIDGE RD AND JIMMIE KERR ROAD (AN2004).                    |  |
|---|--|
| WHEREAS, a petition requesting annexation of an area described in said petition was received on July 24, 2020, by the Graham City Council; and  |  |
| WHEREAS, G.S. 160A-58 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. |  |
|   |  |
| Gerald R. Peterman, Mayor   |  |
| ATTEST:   |  |
| Darcy Sperry, City Clerk  |  |

| RESOLUTION FIXING DATE OF DECEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION<br>PURSUANT TO G.S. 160A-58 FOR A 70 ACRE LOT ON SUGAR RIDGE AND JIMMIE KERR ROADS (AN2004)                        | 1 |  |
|--|---|--|
| WHEREAS, a petition requesting annexation of the non-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,<br>201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on December 8, 2020. |   |  |
| Section 2. The area proposed for annexation is described as follows:   |   |  |
| Beginning at an existing railroad spike, said railroad spike having state plane coordinates (NAD 83 / NSRS 2011) of  |   |  |
| N = 839,139.30' & $E = 1,895,662.65$ ' and being at a T-intersection on the southern right of way of Cherry Lane (S.R. 2123) and the centerline of Sugar Road; thence making the following calls:            |   |  |
| Along the southern right of way of Cherry Lane, North 83°08'34" East, 399.98 feet to a pinched top existing iron pipe;   |   |  |
| Thence, on a curve with a radius of 2848.41' and an arc length of 255.15 feet and having a chord bearing of North 80°42'47" East, 255.06 feet to an existing iron pipe;                                      |   |  |
| Thence, leaving the southern right of way of Cherry Lane, South 9°40'08" East, 1,683.80 feet to an existing iron pipe;   |   |  |
| Thence, South 88°51'32" West, 556.97 feet to a pinched top existing iron pipe;   |   |  |
| Thence, South 87°25'33" West, 26.34 feet to a computed point on approximately the centerline of a creek;   |   |  |
| Thence, following the approximate centerline of a creek and making the following calls:  |   |  |
| -South 28°45'03" East, 134.31 feet to a computed point; thence,  |   |  |
| -South 7°28'21" West, 108.13 feet to a computed point; thence,   |   |  |
| -South 39°55'58" East, 230.69 feet to a computed point; thence,  |   |  |
| -South 17°55'36" East, 87.61 feet to a computed point; thence,   |   |  |
| -South 33°07'57" East, 81.17 feet to a computed point; thence,   |   |  |
| -South 8°30'56" East, 130.25 feet to a computed point; thence,   |   |  |
| -South 23°48'25" East, 84.14 feet to a computed point; thence,   |   |  |
| -South 32°25'15" West, 97.79 feet to a computed point; thence,   |   |  |
| -South 38°48'45" West, 55.60 feet to a computed point; thence,   |   |  |
| -South 24°25'41" West, 130.25 feet to a computed point; thence,  |   |  |
| -South 74°16'13" West, 99.46 feet to a computed point; thence,   |   |  |
| -South 58°36'41" West, 53.64 feet to a computed point; thence,   |   |  |
| -South 32°09'29" West, 37.30 feet to a computed point; thence,   |   |  |
| -South 59°50'22" West, 66.08 feet to a computed point; thence,   |   |  |
| -South 44°20'27* West, 48.12 feet to a computed point; thence,   |   |  |
| -North 34°17'38" West, 44.79 feet to a computed point; thence,   |   |  |

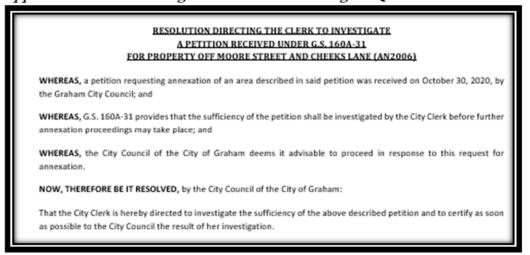
-South 49°36'31" West, 53.73 feet to a computed point; thence, -South 24°25'41" West, 130.25 feet to a computed point; thence, Thence, leaving the approximate centerline of creek, North 32°40'57" West, 251.96 feet to an existing iron pipe; Thence, South 60°08'43" West, 761.62 feet to an existing iron pipe; Thence, North 8°47'07" West, 112.23 feet to an existing iron pipe; Thence, South 67°56'49" West, 319.28 feet to a pike nail set in the centerline of Jimmie Kerr Road; Thence, along the centerline of said road, North 23°06'44" West, 286.09 feet to a pike nail set; Thence, North 15°52'35" West, 88.05 feet to a computed point; Thence, leaving the centerline of Jimmie Kerr Road, North 64°18'53" East, 360.00 feet to a computed point; Thence, North 25°39'26" West, 17.28 feet to an existing iron pipe; Thence, North 70°52'15" East, 375.92 feet to an existing iron pipe; Thence, North 70°52'15" East, 414.08 feet to an existing iron pipe; Thence, North 46°02'32" East, 251.21 feet to an existing iron pipe; Thence, North 18°44'26" East, 485.42 feet to the base of an existing iron pipe; Thence, South 82°24'49" West, 828.00 feet to a computed point; Thence, North 25°18'19" East, 585.00 feet to a point ; Thence North 50°03'19" East, 185.00 feet to a point; Thence North 65°06'41" East, 75.02 feet to a point; Thence North 65°02'24" East, 34.98 feet to a point; Thence North 28°20'19" East, 42.56 feet to a point; Thence North 28°20'19" East, 64.67 feet to a point; Thence North 28°20'19" East, 42.77 feet to a point; Thence North 6°14'19" East, 29.06 feet to a point; Thence North 6°14'19" East, 63.05 feet to a point; Thence North 6°14'19" East, 109.21 feet to a point; Thence North 6°14'19" East, 68.67 feet to a point; Thence North 41°55'41" West, 41.32 feet to a point; Thence North 41°55'41" West, 95.01 feet to a point; Thence North 36°34'07" West, 154.86 feet to a point; Thence North 35°02'59" West, 260.00 feet to a point; Thence North 25°18'59" West, 144.29 feet to a poin: Thence North 83°12'25" East, 49.96 feet to a point;

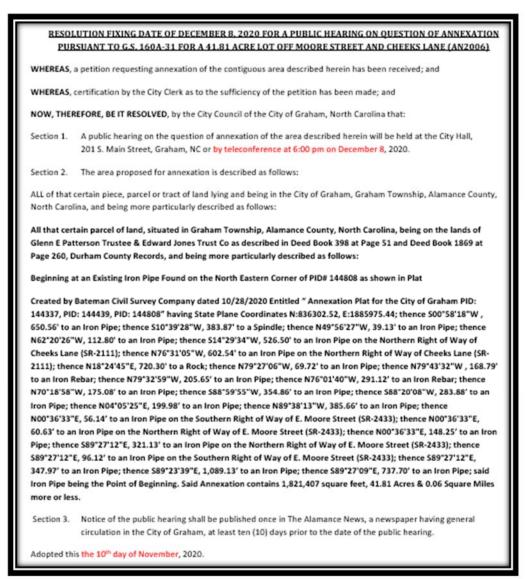
Thence North 83°11'08" East, 498.33 feet to the point and place of beginning containing 69.678 Acres more or less.

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 10th day of November, 2020.

- d. Petition for Voluntary Contiguous Annexation for 41.81 acres off Moore Street and Cheeks Lane (GPIN 8883359916, 8883367159 & 8883552739) (AN2006):
  - *i.* Approve Resolution Directing Clerk to Investigate Sufficiency
  - ii. Approve Resolution Fixing Date of Public Hearing on Question of Annexation

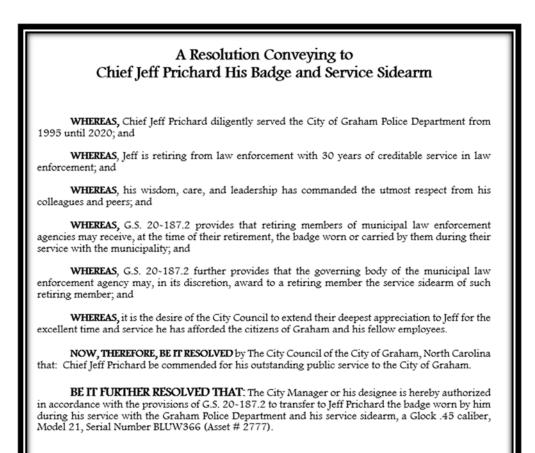




e. Award Contract to Park Construction of NC and Approve Budget Ordinance for the Old Fields Outfall Construction Project

|            | CAPITAL PROJECT ORDINANCE<br>OLD FIELDS OUTFALL  |  |  |
|------------|--|--|--|
| CAROLINA   | BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH<br>CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the<br>following Capital Project Ordinance is hereby adopted: |  |  |
| Section 1. | The Project authorized is Old Fields Outfall.  |  |  |
| Section 2. | The officials of the City of Graham are hereby directed to proceed with this project<br>within the terms of the project. Staff is authorized to execute change orders within the<br>budget ordinance.                            |  |  |
| Section 3. | Section 3. The following revenues are anticipated to be available to the City to complete the project:   |  |  |
| Pro        | ceeds from Retained Earnings \$1,355,000<br>ceeds from KG Plaza, LLC Agreement \$800,000<br>ceeds from Water/Sewer Capital Reserve \$800,000<br>TOTAL 2,955,000  |  |  |
| Section 4. | Section 4. The following amounts are appropriated for this project:  |  |  |
| Eas<br>Pha | Professional Services \$150,000   Easements 20,000   Phase 1 Construction \$1,585,000   Phase 2 Construction \$1,200,000   TOTAL 2,955,000   |  |  |
| Section 5. | Section 5. The Finance Director shall report on the financial status of this project as directed by the<br>City Council and will inform the Council of any unusual occurrences.  |  |  |
| Section 6. | Section 6. Copies of this project ordinance shall be made available to the City Manager and the<br>Finance Director for direction in carrying out this project.  |  |  |
| Section 7. | Section 7. That this project is the outfall bypass option included in the "Pump Station Upgrades"<br>capital project found within the Resolution Establishing a Water and Sewer Capital<br>Reserve Fund.                         |  |  |
| Section 8. | This ordinance shall take effect upon passage.   |  |  |
|            | This the 10 <sup>th</sup> day of November, 2020.   |  |  |

- f. Approve Amendment to Section 5 of the Traffic Schedule prohibiting parking on both sides of McAden Street from South Main Street to South Maple Street
- g. Approve Resolution Conveying to Chief Jeff Prichard His Badge and Service Sidearm



This the 10<sup>th</sup> day of November 2020.

#### h. Approve Resolution Establishing a Coronavirus Relief Fund

| RESOLUTION ESTABLISHING THE CORONAVIRUS RELIEF FUND (CRF)   |  |  |
|---|--|--|
| WHEREAS, House Bill 1043 created a Coronavirus Relief Fund (CRF) utilizing Federal funds from the CARES Act;  |  |  |
| WHEREAS, On July 1, 2020, House Bill 1023 was enacted which allocated more Coronavirus Relief Funds<br>to Counties and requires that 25% of all CRF funds be distributed to municipalities;                         |  |  |
| WHEREAS, the City of Graham is set to receive \$242,051.84;   |  |  |
| WHEREAS, Coronavirus Relief funds should be budgeted and accounted for in a special revenue fund per NCGS 159-26(b)(2);   |  |  |
| NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:  |  |  |
| Section 1. The City Council of the City of Graham hereby creates a Coronavirus Relief Fund (CRF).   |  |  |
| Section 2. An appropriation in the amount of \$242,052 is hereby provided in the fund for the purpose of<br>recouping expenditures incurred, due to the public health emergency related to the Coronavirus Disease. |  |  |
| Section 3. This fund shall remain effective until further notice.   |  |  |
| Section 4. This Resolution shall become effective and binding upon its adoption.  |  |  |
| This the <u>10th</u> day of <u>November</u> , 2020.   |  |  |

# *i.* Authorize the Police Chief to close necessary City streets, unless otherwise prohibited by the current Governor's Executive Orders, for the 60th annual Graham Christmas Parade on Saturday, December 5, 2020

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Mayor Pro Tem Chip Turner asked to pull item "g", while Mayor Peterman pulled items "f" and "i".

Council Member Ricky Hall made a motion to approve items "a", "b", "c", "d", "e" and "h" on the Consent Agenda, seconded by Mayor Peterman. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item "f", Mayor Peterman expressed concern for those customers visiting Wells Fargo who may have trailers and cannot park in their parking lot. Following a brief discussion between Council Members and staff, Council Member Melody Wiggins made a motion to approve item "f" on the Consent Agenda. Council Member Ricky Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item "g", Mayor Pro Tem Turner asked Mayor Peterman to read the Proclamation aloud. Following the reading, Council Members took turns thanking Police Chief Jeff Prichard for his service to the City. Mayor Pro Tem made a motion to approve item "g" on the Consent Agenda, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item "i", Mayor Peterman expressed concern with how Council could approve a parade with the current Governor's Executive Order No. 170 – limiting mass outdoor gatherings to 50. City Attorney Bryan Coleman advised that violating the Executive Order could potentially subject the City to liability. Council Member Jennifer Talley asked Mr. Coleman if this being a Christmas parade would be protected under the 1<sup>st</sup> Amendment. Mr. Coleman stated that he did not think that a Christmas parade would fit under the exemption of the 1<sup>st</sup> Amendment as set out in the exemption of the Executive Order. Mayor Peterman made a motion to not approve item "i" of the Consent Agenda, 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.

Council Member Talley asked Mr. Coleman to check into whether or not other cities were able to put on parades under the exemptions included in the Governor's Order.

# Old Business:

### a. <u>Public Hearing</u>: AN2005 Council Creek. Annexation Ordinance for Voluntary Contiguous Annexation for 34.441 acres located off Darrell Drive and Council Road (GPIN 8873608974)

Assistant City Manager Aaron Holland explained that the requested action is to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for approximately 34.4 acres located off Darrell Drive and Council Road. He advised that there is water and sewer available at this location and the applicant wishes to tie onto the City's infrastructure.

Mr. Holland further advised 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. He informed Council of the fiscal impact this would have on the City and advised that staff recommends approval.

With no questions forthcoming, Mayor Peterman opened the Public Hearing.

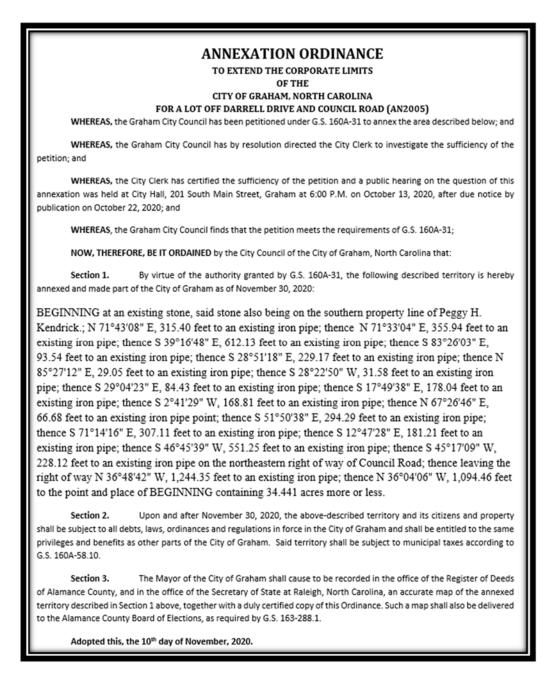
The following individuals joined the livestream to speak about items not on the agenda:

| Maggie-no last name or address provided | The Muse NC-no address provided |
|---|---------------------------------|
| Carey Griffin-no address provided       |                                 |

The following individual joined the livestream to answer any questions Council may have concerning this agenda item:

Scott Wallace-Keystone Homes

With no questions forthcoming, Mayor Peterman 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 34.4 (+/-) acres off Darrell Drive and Council Road, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.



- b. <u>Public Hearing</u>: CR2003 Cherry Creek. Application by Tony Tate for rezoning and initiation of zoning for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road Cherry Creek (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808)
- c. S2004 Cherry Creek. Application by Tony Tate for subdivision for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road

Mr. Holland advised that action on items "b" and "c" of Old Business could not happen until after annexation, so staff recommends continuing these until December 8, 2020. Council Member Hall made a motion that we table this until December 8, 2020, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

### **Recommendations from Planning Board:**

### a. S2005 Council Creek. Application by Chuck Truby for subdivision for 34.441 acres off Council Road and Darrell Drive

Mr. Holland explained that this property had already received zoning and following tonight's annexation approval, this is the final step for the Council Creek subdivision, consisting of 92 residential lots.

Following a general discussion between Council Members and staff, Council Member Wiggins made a motion to recommend approval with the following condition(s):

• The developer obtain written consent from lots 131216 and 131218 to maintain the existing cul-de-sac at Darrell Drive, or remove it when they construct that phase of the development.

She added that the application is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reasons: Allowing a subdivision in this location allows for improved water quality (Policy 4.3.1) and provides additional neighborhood connections (Policy 3.2.3). Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

# Boards & Commissions Appointments:

#### a. Appearance Commission - term expires 2022

Mayor Peterman asked each Council Member to nominate a candidate for appointment and explained that following nominations, a vote for appointment would take place.

| Council Member         | Applicant              |
|------------------------|------------------------|
| Mayor Peterman         | No nomination made     |
| Mayor Pro Tem Turner   | Bonnie Whitaker        |
| Council Member Wiggins | Bonnie Whitaker        |
| Council Member Talley  | Zipporah Clark Baldwin |
| Council Member Hall    | Bonnie Whitaker        |

The following represents the nominations made by Council Members:

Mayor Peterman polled Council Members in favor of appointing Bonnie Whitaker and all, but Council Member Talley, voted in favor of the appointment. Pursuant to N.C.G.S 160A-75, Council Member Talley's failure to vote is recorded as an affirmative vote. Mayor Peterman announced that Bonnie Whitaker would fulfill the term expiring in 2022.

#### b. Historic Resources Commission - term expires 2024

Mayor Peterman asked each Council Member to nominate a candidate for appointment and explained that following nominations, a vote for appointment would take place.

| Council Member         | Applicant          |
|------------------------|--------------------|
| Mayor Peterman         | No nomination made |
| Mayor Pro Tem Turner   | Troy Woodard       |
| Council Member Wiggins | Matthew Haley      |
| Council Member Talley  | Troy Woodard       |
| Council Member Hall    | Troy Woodard       |

The following represents the nominations made by Council Members:

Mayor Peterman polled Council Members in favor of appointing Troy Woodard. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Talley and Council Member Hall. Nays: Council Member Wiggins. Mayor Peterman announced that Troy Woodard would fulfill the term expiring in 2024.

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

Mayor Peterman advised that at this time, the Council would not speak about or make any statements regarding and current litigation.

The following individuals joined the livestream to express concern with actions taken at the "I am Change March to the Polls" event on October 31, 2020:

| Carey Griffin-Green Level                | Travis Laughlin-no address provided |
|--|-------------------------------------|
| Rev. Greg Drumwright-no address provided |                                     |

Mayor Peterman asked to keep the family of retired City employee Deborah Moose in their prayers, following her recent death.

Downtown Development Coordinator Mary Faucette advised that she and Recreation Marketing Supervisor Brandy McCandless are working with the Graham Area Business Association on alternatives for the Christmas parade. Ms. Bonnie Whitaker of 2456 Greenview Drive Graham suggested having stationary Christmas floats throughout the City. Council Member Talley stated that alternative options are being worked on and welcomed suggestions.

At 7:03 p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Darcy Sperry, City Clerk