

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, DECEMBER 8, 2020
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, December 8, 2020. Council Member Jennifer Talley and the public participated remotely via livestreaming media.

Council Members Present:

Mayor Jerry Peterman
Mayor Pro Tem Chip Turner
Council Member Melody Wiggins
Council Member Jennifer Talley (remote)
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
Police Lieutenant Duane Flood

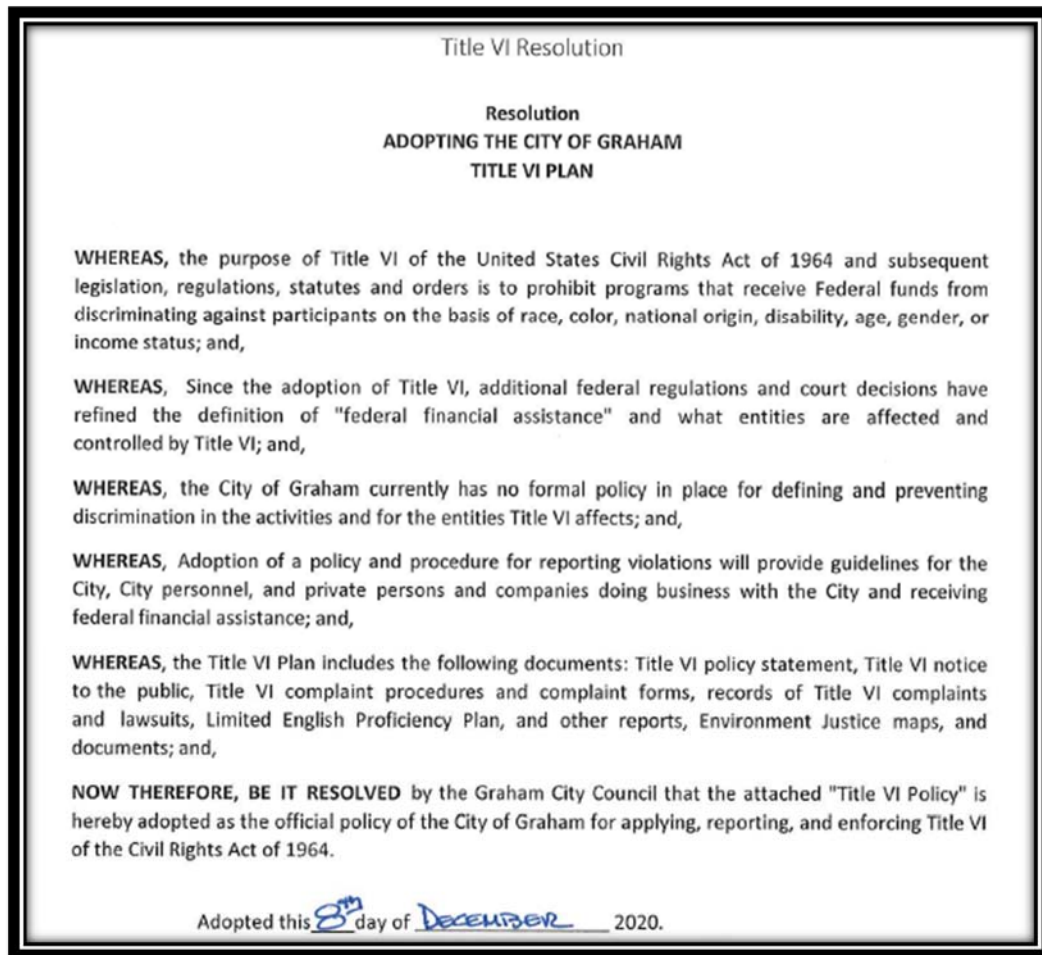
Mayor Jerry Peterman called the meeting to order and presided at 6:06 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approve Minutes – November 10, 2020 Regular Session (Virtual)*
- b. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
DECEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
678174	2020	REICHENBACH, KENNETH WAYNE	SOLD BOAT	\$13.65
487517	2020	MID STATE MARKETING	BUSINESS IN BURLINGTON	\$309.08

- c. Approve Resolution Adopting a Title VI Implementation Plan for the City of Graham*



d. Approve the Redirection of the Approved Funding for the Façade Grant Program to be Used for the Initial Funding of an Architectural Inventory

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Talley asked to pull items "c" and "d".

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

Concerning item "c", Council Member Talley asked for more information. City Manager Frankie Maness and Assistant City Manager explained this is a requirement by NCDOT. Following a brief discussion between Council Members and staff, Council Member Hall made a motion to approve item "c" on the Consent Agenda. Council Member Talley seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Concerning item "d", Council Member Talley asked about a start date for this inventory. Mr. Holland stated that it has to take place in this budget year while Planning Director Nathan Page stated he would like to see it done as soon as possible. With no further questions forthcoming, Council Member Melody Wiggins made a motion to approve item "d" on the Consent Agenda, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- a. ***Public Hearing: AN2004 Cherry Creek. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 70 (+/-) acres located on Sugar Ridge Road and Jimmie Kerr Road (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808)***
- b. ***Public Hearing: 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***

Assistant City Manager Aaron Holland explained that this is a request to approve the Annexation Ordinance to extend the corporate limits of the City of Graham, North Carolina, for five lots off Jimmie Kerr Road. He added 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. Mr. Holland 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 advised that the fiscal impact of the proposed development would vary 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 and therefore would not support urban services. If the Northern part of the neighborhood is five dwelling units per acre or more, and the Southern portion of the neighborhood has larger lots, a revenue balance is possible. Mr. Holland advised that since this item was last heard by City Council at the October 13, 2020 meeting, staff has met with the developer to discuss options for Council to consider for the rezoning request. Inasmuch, staff recommends momentarily delaying the decision of annexation until after evaluating what the design of the neighborhood will be following discussions of the rezoning and subdivision public hearings. The annexation request will need to be revisited and voted on prior to any action taken on the rezoning and subdivision items.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing for item “b” – CR2003 Cherry Creek.

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

Tony Tate-5011 Southpark Dr. Ste. 200 Durham	Stephanie Ward-2072 Jimmie Kerr Rd.
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Following a brief discussion between Council Members and Mr. Tate about setbacks, buffers, and density as it pertains to this agenda item, Mayor Peterman opened the Public Hearing for item “c” – S2004 Cherry Creek. Council Member Talley expressed concern with the proposed density.

Mayor Peterman opened the Public Hearing for item “a” – AN2004 Cherry Creek. No comments were forthcoming and without objection, the Public Hearings were closed.

With regards to item “a”, Council Member Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina, for portions of five lots, making up approximately 70 acres in the vicinity of Sugar Ridge and Jimmie Kerr Roads.

Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

With regards to item “b”, Council Member Wiggins 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: Rezoning the property would be in consistence with Policy 3.2.4, and Strategy 4.2.1 of The Graham 2035 Comprehensive Plan. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

With regards to item “c”, Council Member Talley made a motion that the application be approved and 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: It will increase available housing per Policy 4.2.1. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS

OF THE

CITY OF GRAHAM, NORTH CAROLINA

FOR FIVE LOTS ON SUGAR RIDGE AND JIMMIE KERR ROAD (AN2004)

WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58 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 December 8, 2020, after due notice by publication on November 19, 2020; and

WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58;

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-58, the following described territory is hereby annexed and made part of the City of Graham as of December 31, 2020:

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 84°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 34°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 point;

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 2. Upon and after December 31, 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 8th day of December, 2020.

d. Public Hearing: AN2006 Stillhouse Farms. Annexation Ordinance for Voluntary Contiguous Annexation for 41.81 acres off Moore Street and Cheeks Lane (GPIN 8883359916, 8883367159 & 8883552739)

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 a lot located off Moore St and Cheeks Lane. He advised that area being considered for annexation is contiguous along the North side. Water and sewer lines are adjacent to this location, and the applicant wishes to tie onto the City's infrastructure. Mr. Holland 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. Staff recommends approval.

Mayor Peterman 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 41.81 (+/-) acres off Moore Street and Cheeks Lane, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

ANNEXATION ORDINANCE

TO EXTEND THE CORPORATE LIMITS OF THE

CITY OF GRAHAM, NORTH CAROLINA FOR A LOT OFF MOORE STREET AND CHEEKS LANE (AN2006)

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 December 8, 2020, after due notice by publication on November 19, 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 December 31, 2020:

All that certain parcel of land, situated in Graham Township, Alamance County, North Carolina, being on the lands of Glenn E Patterson Trustee & Edward Jones Trust Co as described in Deed Book 398 at Page 51 and Deed Book 1869 at Page 260, Durham County Records, and being more particularly described as follows:

Beginning at an Existing Iron Pipe Found on the North Eastern Corner of PID# 144808 as shown in Plat

Created by Bateman Civil Survey Company dated 10/28/2020 Entitled "Annexation Plat for the City of Graham PID: 144337, PID: 144439, PID: 144808" having State Plane Coordinates N:836302.52, E:1885975.44; thence S00°58'18"W, 650.56' to an Iron Pipe; thence S10°39'28"W, 383.87' to a Spindle; thence N49°56'27"W, 39.13' to an Iron Pipe; thence N62°20'26"W, 112.80' to an Iron Pipe; thence S14°29'34"W, 526.50' to an Iron Pipe on the Northern Right of Way of Cheeks Lane (SR-2111); thence N76°31'05"W, 602.54' to an Iron Pipe on the Northern Right of Way of Cheeks Lane (SR-2111); thence N18°24'45"E, 720.30' to a Rock; thence N79°27'06"W, 69.72' to an Iron Pipe; thence N79°43'32"W, 168.79' to an Iron Rebar; thence N79°32'59"W, 205.65' to an Iron Pipe; thence N76°01'40"W, 291.12' to an Iron Rebar; thence N70°18'58"W, 175.08' to an Iron Pipe; thence S88°59'55"W, 354.86' to an Iron Pipe; thence S88°20'08"W, 283.88' to an Iron Pipe; thence N04°05'25"E, 199.98' to an Iron Pipe; thence N89°38'13"W, 385.66' to an Iron Pipe; thence N00°36'33"E, 56.14' to an Iron Pipe on the Southern Right of Way of E. Moore Street (SR-2433); thence N00°36'33"E, 60.63' to an Iron Pipe on the Northern Right of Way of E. Moore Street (SR-2433); thence N00°36'33"E, 148.25' to an Iron Pipe; thence S89°27'12"E, 321.13' to an Iron Pipe on the Northern Right of Way of E. Moore Street (SR-2433); thence S89°27'12"E, 96.12' to an Iron Pipe on the Southern Right of Way of E. Moore Street (SR-2433); thence S89°27'12"E, 347.97' to an Iron Pipe; thence S89°23'39"E, 1,089.13' to an Iron Pipe; thence S89°27'09"E, 737.70' to an Iron Pipe; said Iron Pipe being the Point of Beginning. Said Annexation contains 1,821,407 square feet, 41.81 Acres & 0.06 Square Miles more or less.

Section 2. Upon and after December 31, 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 8th day of December, 2020.

Recommendations from Planning Board:

- a. ***Public Hearing: RZ2008 Scott Industrial. Application by Nathan Page for a rezoning from Low Density Residential to Light Industrial for 70 (+/-) acres on Cherry Lane (GPIN 8893686572)***

Mr. Page explained that this is a request by the City to rezone this property. The property is currently under cultivation and would remain in present use farm value. The stated reason is to “align the use of the property with the Future Land Use Map’s employment district.” He advised that the property is part of the North Carolina Commerce Park.

Mayor Peterman opened the Public Hearing and with no comments forthcoming, he closed the Public Hearing.

Following a brief discussion about notifications to property owners, Council Member Wiggins 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: Rezoning the property would be in consistence with the Employment District type (Policy 2.4.1) and will allow land uses which are likely to attract employment opportunities within the City of Graham (Strategy 2.2.1). Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- b. ***Public Hearing: CR2004 Business W. Elm Street. Application by Jeffrey Duggins for Conditional Rezoning from Light Industrial for 0.4 (+/-) acres at 618 West Elm Street (GPIN 8874756782)***

Mr. Page explained that this is a request to rezone the subject property from Light Industrial (I-1) to Conditional Business (C-B). The applicant is proposing to maintain the front setback line of the subject property at the front of the building line of the existing structure. He added that the proposed uses for the new zone would include all uses within General Business (B-2), and the rear and side yards would be as required by the B-2 zoning. The property is currently vacant, but has plans to be used as a contractor’s office with no outdoor storage.

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

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

Ryan Moffett-522 S. Lexington Ave. Burlington

With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Wiggins 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: Permitting this conditional zoning will create a conforming structure and allow for future expansion in alignment with Policy 2.1.5 and 2.4.2.

c. Quasi-Judicial Public Hearing: SUP2001 Bethany Townes. Application by Glenwood Homes, LLC for a Special Use Permit for townhomes for 6.2 (+/-) acres at 1501 South Main Street (GPIN 8883332335 & 8883332545)

City Attorney Bryan Coleman read the following statement:

This hearing is a quasi-judicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how this board must make its decision. These rules are different from other types of land use decisions like rezoning cases.

The Council's discretion is limited. The Council must base its decision upon competent, relevant, and substantial evidence in the record. It is a decision that must be based on the standards in the ordinance and based on the facts presented. If you will be speaking as a witness, please focus on the facts and standards, not personal preference or opinion.

This meeting is open to the public. However, participation is limited. Parties with standing have rights to present evidence, call witnesses, and make legal arguments. Parties are limited to the applicant, the local government, and individuals who can show they will suffer special damages. Other individuals may serve as witnesses when called by the City Council. General witness testimony is limited to facts, no opinions. For certain topics, this Council needs to hear opinion testimony from expert witnesses. These topics include predictions about impacts on property values and predictions about impacts of increased traffic. Individuals providing expert opinion must be qualified as experts and provide the factual evidence upon which they base their expert opinion.

With regard to admissibility, any and all evidence and exhibits received by the City will be deemed objected to without specific objections. Witnesses must swear or affirm their testimony.

Mr. Mayor polled the council for any bias or fixed opinions, conflicts of interest, ex-parte communications, or site visits. No comments were forthcoming.

Mayor Peterman opened the Public Hearing and City Clerk Darcy Sperry swore in the following individuals who joined the livestream:

Penny Sekadlo-9220 Fairbanks Dr. Raleigh	Carla Sevilla-1015 Pinchurst Dr. Chapel Hill
Glenn Patterson-885 Cheeks Lane Graham	Thurmandy Smith-309 Forest Dr. Graham
Nathan Page	

Mr. Page advised that even though the Planning Board made the recommendation that all roads in and out would be public, the Public Works Director made the recommendation to make roads consistently private. He added that this is a request for a Special Use Permit for Dwelling, Townhouse for property located at 1501 South Main Street. The site is currently vacant, the site is approximately 6.2 acres, and the plan would permit up to 65 units. Mr. Page added that the layout would be accessed off Highway 87, and would maintain the commercial frontage between the townhome development and Highway 87. A landscaping buffer has been proposed along the exterior of the property, with a "type A" buffer to be installed. He advised that during the Public Hearing at the Planning Board's meeting, the developer agreed to a 40' exterior to the property line setback, as well as 29% of the project would be in open space.

Mayor Pro Tem Turner asked project engineer Ms. Penny Sekadlo what the size of the lot zoned B-2 and in front of the project is. Ms. Sekadlo advised that the business lot is 250' deep x 250' length.

Mayor Pro Tem Turner asked if the proposed stub outs to adjoining properties is necessary. Ms. Sekadlo stated that is a conscious decision by the developer, which is to provide some sort of walkability/interconnectivity without these neighbors and the commercial property always having to get out onto Highway 87. Mayor Pro Tem Turner asked Mr. Page if we need the stub outs to adjoining properties. Mr. Page stated that he highly recommends that we maintain the access management along the exterior corridor of Highway 87. It is the goal of the City to reduce left turns onto Highway 87 as much as possible.

Council Member Wiggins asked Mr. Page what kind of impact will private roads have on the future businesses at the front of this property. Mr. Page stated that the existing language of the Ordinance requires some recordation of cross access easements for the purposes of future development.

Council Member Talley asked why two entrances are proposed for this development when about two years ago, NCDOT did a traffic study and blocked off one the entrance off Highway 87 to Rivermill School. Mr. Page stated that the Fire Code requires redundant access for anything that has greater than 30 dwelling units in it. Council Member Talley asked how staff feels about private streets. Mr. Page stated that with townhome neighborhoods, you are comfortable with the assumption that a homeowners association will be around forever and will be required to have some legal requirement for maintenance. He advised that the stormwater control measures are requiring that homeowner associations have maintenance fees that maintain their existing infrastructure. He added that there is a recorded stormwater operations and manual agreement that is between the City and the development that runs with the land and has to be maintained by them in perpetuity. Council Member Talley asked what the lot sizes are and if there are driveways. Ms. Sekadlo advised that the interior lots are 22' wide x 70' plus deep and stated the lots do have 10' wide driveways. Council Member Talley asked if they will all be on slabs and single story. Ms. Sekadlo advised that they will be on slabs and they are two story. Council Member Talley asked what the square footage of the dwellings will be and the average sales price. Mr. Page advised that the price of the unit would not be permissible to discuss at this time, as it is not something we can bind our decision on. That question could be seen as biasing the jurors in this discussion. Ms. Carla Sevilla, representing the developer stated the square footage is approximately 1,700.

Mayor Pro Tem Turner asked if NCDOT could choose to possibly make the streets public. Ms. Sekadlo advised that NCDOT generally does not take on public streets through commercial property.

Mr. Glenn Patterson stated that he believes this is a great plan for this property.

Ms. Thurmandy Smith asked if the builder would be open to erecting a privacy fence along the back units, to keep her animals on her property. Ms. Sevilla advised that they would be open to adding a fence and they would reach out to Ms. Smith at a later date to discuss.

Following a brief discussion between Council Members, staff and Ms. Sekadlo regarding public vs. private roads and the standards used for road construction, Mayor Peterman closed the Public Hearing.

Council Member Wiggins made a motion that the application be approved with the following condition:

- All roads be private

She moved to adopt the Findings of Fact and Conclusions of Law as presented in the staff report and stated that this action is reasonable and in the public interest for the following reasons: The development furthers goals of The Graham 2035 Comprehensive Plan and is in conformance with the Suburban Residential development type, and the development meets all six conditions required by Section 10.144 of the Development Ordinance. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

Code of Ordinances Amendments:

a. First Reading: Downtown Residential Parking Permit

Mr. Holland explained that the requested action is to amend Code of Ordinances to add a section allowing the issuance of a Downtown Residential Parking Permit within the B-1 (Central Business) district in city-operated parking lots and establish a Downtown Residential Parking Schedule. He added that downtown Graham has seen increased interest over the past decade, and with that, there has been emerging demand for parking accommodations, particularly for downtown residents. The City manages over 300 on street and over 400 off-street parking spaces in downtown Graham. As the landscape of downtown Graham receives additional residential development pressure, adhering to parking restrictions is a major obstacle that developers have frequently conveyed. Inasmuch, City staff recognizes the average utilization of parking within all city-operated lots is less than 40% and has never exceeded 55% for maximum parking utilization. In an effort to afford residents of the downtown the ability to park their vehicles within a city-operated lot beyond the allotted time limit, City staff is recommending offering a Downtown Residential Parking Permit that can be utilized within specified city-operated lots in the B-1 (Central Business District). Mr. Holland stated that it should be noted that the program, as currently designed, does not set aside spaces for exclusive use by residential motorists. This would be similar in function to the contractor's permit program that is currently in place. Mr. Holland advised that the fiscal impact would be nominal and that staff recommends approval.

Council Members and staff discussed resident parking vs. work related parking, the specific lots in which a permit would be required, and the proposed timeframe. Staff was asked what the permit cost would be. Mr. Holland advised that the cost is at the Council's discretion, adding that he has seen them anywhere from \$25/yr. - \$250/yr.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the Ordinance amendment to CHAPTER 20- TRAFFIC AND VEHICLES, ARTICLE V- STANDING, STOPPING AND PARKING of the Code of Ordinances to allow for the issuance of a Downtown Residential Parking Permit and establish the proposed Downtown Residential Parking Schedule with an effective date of 01/01/2021. Mayor Pro Tem Turner seconded the motion.

Mayor Peterman polled the Council Members and all voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

b. First Reading: Parades, Demonstrations and Street Events

Mr. Maness explained that back in July, the City Council repealed the current Parade and Demonstration Ordinance that had been in place for over 40 years. He added that City staff had been working on a new Ordinance well before the July repeal in response to the growing number of events we have in the downtown area. Mr. Maness reviewed the highlights of the proposed Ordinance:

- Formation of a “Special Events Committee” to evaluate parades and street events in a similar manner as the TRC evaluates development proposals
- Establishing and recognizing demonstration options that are allowed both by acknowledgement and exempt from any notice, such as free speech zones
- Staff guidance and regulation for parades, demonstrations and street events
- Delineation of legislative and administrative authority for street closures

Mr. Maness advised that after the agenda packet went out, staff realized that language slipped through the many filters used in preparing this Ordinance. He asked Council to remove any requirement that the purpose of the demonstration be submitted to us from the language that is located within Ordinance.

Council Members and staff discussed the proposed amendment to the language, staff approval vs. Council approval for events, insurance requirements, property rights of pedestrians and business owners, sound magnification and enforcement of the Ordinance. Police Lieutenant Duane Flood joined the livestream to address concerns about noise. He advised that noise magnification is covered in the City’s current Noise Ordinance and also under a State Statute.

With no further discussion forthcoming, Mayor Peterman made a motion to approve the Ordinance Amending Chapter 20, Article V, by adding Sec. 20-171 to 185, to the Code of Ordinances of The City of Graham, North Carolina Parades, Demonstrations and Street Events. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion. Motion received the supermajority required to pass on the first reading.

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

Downtown Development Coordinator Mary Faucette shared the results of the Downtown Window Decorating Contest in which 32 businesses participated. First place went to Graham Travel. She gave a special thanks to the Graham Area Business Association, Graham Recreation and Parks Marketing Specialist Brandy McCandless and Leos Creative Agency.

Mr. Maness advised that since the Parades, Demonstrations and Street Events Ordinance passed on the first reading, the motion needs to include the removal of the purpose language discussed.

Mayor Peterman amended his motion to approve the Ordinance Amending Chapter 20, Article V, by adding Sec. 20-171 to 185, to the Code of Ordinances of The City of Graham, North Carolina Parades, Demonstrations and Street Events and drop all mention of demonstration purpose anywhere in the Ordinance. Council Member Talley seconded the amended motion. Mayor Peterman polled the Council Members and all voted in favor of the amended motion. Amended motion received the supermajority required to pass on the first reading.

Council Member Talley mentioned the passing of Mike Jakielski and asked everyone to keep his family in their thoughts and prayers. She asked that staff look into measures to slow down traffic along Washington Street, mentioning that Vincent Packingham has had six different accidents take place in front of his property. Council Member Talley also thanked her husband and Daniel Alvis for their help in putting up Christmas lights in the downtown area. Mayor Peterman thanked Lt. Flood and Carson Talley for their help as well.

Council Member Wiggins thanked all of the people who have helped brighten up our City during this holiday season.

Mayor Pro Tem Turner thanked Lt. Flood and Fire Captain Jason Moore for allowing him to participate in last weekend's ride around Graham passing out candy. He wished everyone a Merry Christmas.

Mayor Peterman reminded everyone of the Christmas celebration on Friday and Saturday nights this weekend and next.

At 8:54 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk