

**CITY OF GRAHAM  
SPECIAL SESSION  
MONDAY, JANUARY 13, 2020  
6:00 P.M.**

The City Council of the City of Graham met in special session at 6:00 p.m. on Monday, January 13, 2020, in the Conference Room of the Municipal Building located at 201 South Main Street.

**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  
Tommy Cole, Fire Chief  
Billy Clayton, GPD Administrative Support

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m.

Mayor Peterman advised that the City had received a request from Farm Bureau to close the 100 block of East Elm Street on April 18, 2020 for a community event. Without objection, Mayor Peterman asked the request be added to the January 14, 2020 regular session agenda.

Council Members reviewed the items on the January 14, 2020 agenda and a general discussion ensued. City Manager Frankie Maness advised that there had been a change to language to the Acceptance of Public Streets and Right of Ways for the Challenge subdivision. By consensus, it was determined that there would not be a Council Liaison appointed to the Canine Review Board, the Housing Authority, the Local Firefighter's Relief Fund and the Planning Board. Mayor Peterman directed City Clerk Darcy Sperry to amend the January 14, 2020 Agenda/Agenda Packet and supply Council Members with the amended Agenda Packet and notify the public accordingly.

At 8:15 p.m., Mayor Pro Tem Chip Turner made a motion to adjourn, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, JANUARY 14, 2020  
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, January 14, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**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  
Bob Ward, City Attorney  
Nathan Page, Planning Director  
Jeff Prichard, Police Chief  
Tommy Cole, Fire Chief  
Duane Flood, Police Lieutenant  
Billy Clayton, GPD Administrative Support  
Jason Cook, Volunteer Fire Captain

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 – December 2, 2019 Special Session*
- b. Approve Minutes – December 3, 2019 Regular Session*
- c. Approve Minutes – December 12, 2019 Special Session*
- d. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS			
JANUARY			
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>
663553	2019	BURGNER, HANS NEWTON	BOAT WAS DOUBLE LISTED
440666	2019	SHOFFNER, RICHARD W	BOAT NOT LOCATED IN CITY LIMITS
			AMOUNT RELEASED
			165.49
			29.18

- e. Approve Agreement for Emergency Dispatch and Communications Services with the City of Burlington*
- f. Approve Amendments to the Code of Ordinances - Officials Page*

**AMEND AS FOLLOWS: Effective 1/14/2020**

Gerald R. Peterman  
*Mayor*

**Brice Caldwell Turner II**  
*Mayor Pro Tem*

Melody L. Wiggins  
**Ricky C. Hall**  
**Jennifer L. Talley**  
*City Council*

Jesse Franklin Maness  
*City Manager*

**J. Bryan Coleman**  
*City Attorney*

**Robert M. Ward**  
*City Attorney*

Darcy L. Sperry  
*City Clerk*

***g. Approve Acceptance of Public Streets and ROW's for The Challenge Subdivision***

***h. Approve Graham Public Library Lease Agreement with Alamance County***

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Ricky Hall asked to pull item “e”.

Council Member Melody Wiggins made a motion to approve items “a”, “b”, “c”, “d”, “f”, “g”, “h” and “i” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

Concerning item “e”, Council Member Hall stated that he believed this move would be a disservice to the City and City residents. Mayor Peterman asked City Manager Frankie Maness to read the staff report.

Mr. Maness, Police Chief Jeff Prichard, Fire Chief Tommy Cole, Police Lieutenant Duane Flood, Volunteer Fire Captain Jason Cook and Police Department Administrative Support Billy Clayton fielded questions from Council Members. A lengthy discussion about cost, safety, radio transmission failure, Viper Network, Tron Network, maintenance of radios and coverage area ensued. Council Members were informed of situations where radio transmission failed, putting first responders and victims at risk.

Mr. Tom Boney of the Alamance News stepped forward and expressed concern with Graham approving this agreement after the Burlington City Council. Additionally, Mr. Boney expressed concern with the lack of discussion about the current level of service from the County.

Mr. Boney asked about designated staff, installation costs and the timeframe for the switchover should this be approved.

With no further discussion forthcoming, Council Member Wiggins made a motion to approve the Interlocal Agreement for Emergency Dispatch and Communications Services with the City of Burlington and authorize the City Manager, Police Chief and Fire Chief to execute the agreement on behalf of the City. Mayor Peterman seconded the motion. Ayes: Council Member Wiggins, Mayor Peterman, Mayor Pro Tem Turner and Council Member Jennifer Talley. Nays: Council Member Hall. Motion carried 4:1.

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

#### ***a. Appearance Commission (2 vacancies: expires 2021, 2022)***

Council Member Hall recommended Mr. John Byrd, Council Member Wiggins recommended Ms. Cheryl Ray and Council Member Talley recommended Mr. John Whittington. By consensus, Mr. Byrd was appointed to fulfill a term to expire on June 30, 2022. By consensus, Mr. Whittington was appointed to fulfill a term to expire on June 30, 2021.

#### ***b. Historical Museum Advisory Board (1 vacancy: expires 2022)***

Mr. Bobby Chin withdrew his application for consideration. Ms. Karen Chin and Ms. Bonnie Hutchinson stated it would be an honor to serve on this board. Voting in favor of Ms. Chin were Mayor Pro Tem Turner, Council Member Wiggins, Council Member Talley and Council Member Hall. Voting in favor of Ms. Hutchinson was Mayor Peterman. By a majority vote, Mrs. Chin was appointed to fulfill a term to expire on June 30, 2021.

#### ***c. Historic Resources Commission (1 vacancy: expires 2021)***

Council Member Talley recommended Mr. Scott Pickard for appointment. Mr. Pickard and Ms. Stephanie Ruiz expressed interest in serving on this commission. Voting in favor of Mr. Pickard were Mayor Peterman, Mayor Pro Tem Kimrey, Council Member Talley and Council Member Hall. Voting in favor of Ms. Ruiz was Council Member Wiggins. By a majority vote, Mr. Pickard was appointed to fulfill a term to expire on June 30, 2021.

#### ***d. Local Firefighter's Relief Fund (1 vacancy)***

By consensus, Mr. Alan Stacey was appointed to this board.

#### ***e. Recreation Commission (1 vacancy: expires 2021)***

By consensus, Ms. Amy Graus was appointed to a term to expire on June 30, 2021.

#### ***f. Tree Board (2 vacancies: expires 2022, 2022)***

By consensus, Ms. Stephanie Ruiz was appointed to serve a term to expire on June 30, 2022.

### **City Council Appointments for Outside Agencies:**

Mayor Peterman stated that the Council Member with the most seniority would choose first. Council Member Talley expressed concern with the selection process.

- a. Alamance County Community Services Agency* – Mayor Peterman
- b. Alamance County Economic Development Committee* – Mayor Pro Tem Turner
- c. Piedmont Triad Regional Council* – Council Member Hall
- d. Piedmont Triad Regional Council (Alternate)* – Council Member Talley
- e. Transportation Advisory Committee* – Council Member Wiggins
- f. Transportation Advisory Committee (Alternate)* – Council Member Talley

### **City Council Liaison Discussion/Appointments:**

Mayor Peterman stated that the Council Member with the most seniority would choose first. Council Member Talley and Council Member Hall opted not to make a selection.

- a. Appearance Commission* – Mayor Peterman
- b. Audit Committee* – Mayor Peterman
- c. Historic Resources Commission* – Council Member Wiggins
- d. Historical Museum Advisory Board* – Council Member Wiggins
- e. Recreation Commission* – Mayor Pro Tem Turner
- f. Tree Board* – Mayor Peterman

### **Water Tower Image Design:**

Mr. Maness and Assistant City Manager Aaron Holland advised that re-painting the water tower is part of the routine maintenance contract the City pays for. Mr. Holland presented Council with a couple of draft renderings. He advised that the Water Department is looking to possibly use a blue and white color scheme and would like some guidance from the Council. Council Members took turns talking about what they liked and did not like with the renderings shown.

The following individuals stepped forward to address the water tower image with Council Members:

Eric Crissman – 208 Albright Ave. Graham
Laurie Pickard – 101 Southwood Ct. Graham
Janet Ecklebarger – 604 Washington St. Graham
Jan Searls – 526 E. Pine St. Graham

With no further comments forthcoming, by consensus, Council Members stated they prefer using two tones of blue for the tank, the word Graham with lettering to be in black with white outline on both sides of the tank.

Also included in the preferred design is a water droplet following Graham on both sides of the tank. Mr. Holland advised that he would take those recommendations back to the contractor to see how feasible it would be.

### **Downtown Master Plan Discussion – Council Member Jennifer Talley:**

Council Member Talley explained that this is the first opportunity she and Council Member Hall had to address this plan since elected to the Council. She addressed several concerns she has with the plan and voiced her desire to have the plan rescinded. Mayor Peterman, Mayor Pro Tem Turner and Council Member Wiggins voiced their opposition to rescinding the plan, with Mayor Peterman and Mayor Pro Tem Turner stating that they would be willing to amend some aspects of the plan.

Mr. Holland disclosed to Council that NCDOT had just reached out to the City this week and notified them that they are looking to begin paving sooner rather than later. He added that would commence only if the City does not have any impending plans to do anything in their space. A general discussion about water and sewer infrastructure improvements in the downtown area ensued. Mr. Maness stated he would be happy to ask DOT to delay paving if Council would like more time to look at the plan.

Following a lengthy discussion between Council Members and staff, Council Members came to a consensus that nothing will be built, torn up or planted downtown without the Council being notified and given time to act on it, except water and sewer underneath the ground. The city will go forward with water and sewer infrastructure upgrades. Mayor Peterman will reach out to DOT on behalf of the Council. Council Member Talley stated she would like to see any plans for the street improvements and see if it is going to affect any businesses downtown.

### **Issues Not on Tonight's Agenda:**

Ms. Erin Page of 651 Williamsdale Road Graham stepped forward and expressed concern with the appearance of the hotel located at the 148 exit here in Graham. Mayor Peterman informed Ms. Page that the property does meet the minimum standards in our Code of Ordinances and there is little the City can do concerning the appearance of the property. Council Member Talley informed her that she knows of something in the works concerning that property.

Downtown Development Coordinator Mary Faucette invited everyone to the kickoff event for the Downtown Associate Community program at 5:30 p.m. on January 23, 2020 at Alamance Arts.

Mr. Nick Odomaga of 1017 B Ivey Road Graham stepped forward and expressed concern for the amount of litter along Ivey Road. Mayor Peterman asked Mr. Maness to pass along that concern to staff.

Council Member Talley expressed concern with the traffic pattern and safety resulting from the recent striping for the bike lanes along Pine Street.

Mayor Peterman echoed Council Member Talley's concerns and asked staff to reach out to DOT. Mr. Maness advised that staff had provided three alternative designs to DOT. Mayor Peterman directed staff to give DOT 2-3 more days and if they do not take care of it, the City will.

Council Member Talley expressed concern with the Boards & Commissions handbook recently developed by the Boards & Commissions Task Force. She would like the handbook to be approved

by the Council. Mayor Peterman asked that this be put on a study plan and see if there are changes Council would like to make to it.

Council Member Talley expressed concern for the City's current water policy. She asked that this be put on next month's agenda, as she has two citizens coming to speak about their water charges. She stated that the current policy allows for back charging people up to three years if their meter is found to have not been operating properly. Council Member Talley stated she disagrees with this policy and would like to see it changed. Mayor Peterman asked staff to look into this and directed Council Member Talley to provide staff with either the customer's name and/or account number.

Council Member Talley expressed concern with the Extra Duty Solutions scheduling program the City is currently using. Mayor Peterman asked that this item be put on the March agenda.

Council Member Talley expressed concern with the issue of voting on things not on the agenda. She stated that she believes there needs to be better advertising or extend the advertising period.

Mr. Boney asked if it is the Council's intention to continue holding agenda meetings and urged Council not to continue them. Mayor Peterman advised that we would look into the state statutes concerning meetings.

Council Member Talley made a motion to go into closed session in accordance with General Statute 143-318.11(a) (7) regarding investigations. Mayor Peterman asked the City Attorneys for their guidance about whether or not the Council could go into closed session if it was not advertised. City Attorney Bob Ward advised that Council can vote to go into closed session without advertising such and in light of not knowing the nature for Council Member Talley's concerns, recommended that Council vote to go into closed session. Mr. Boney expressed concern about Council Member Talley's previous concern about voting on something not on the agenda, yet then asks for an item not advertised. Mayor Peterman asked counsel who should go into closed session. Mr. Ward recommended, Mr. Maness and Chief Prichard along with Council and the attorneys. Council Member Talley stated her preference to only have the Council and attorneys go into closed session. Mayor Peterman advised that all parties will go in and hear everything at once. Mr. Boney once again expressed concern for Council going into closed session without it being advertised. At 8:30 p.m., Mayor Peterman seconded the motion and advised that Council would go into closed session at 8:40 p.m., following a 10 minute recess. Ayes: Council Member Talley, Mayor Peterman, Mayor Pro Tem Turner and Council Member Hall. Nays: Council Member Wiggins. Motion carried 4:1.

At 9:01 p.m., Mayor Peterman made a motion to come out of closed session and come back into open session, seconded by Council Member Wiggins. All voted in favor of the motion. Mayor Peterman stated that they will turn over to Chief Prichard a criminal investigation pursuant to State Statute 14-234. Chief Prichard will report back to Council.

At 9:02 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, FEBRUARY 11, 2020  
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, February 11, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**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  
Bob Ward, City Attorney  
Nathan Page, Planning Director  
Brian Faucette, Recreation & Parks Director  
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mrs. Tamara Kersey, Assistant Pastor of Wayman Chapel A.M.E. Church gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Honorary Proclamations:**

- *Allen Maness – Proclamation of Commendation and Appreciation for 30 years 1 month of service to the City of Graham*

Mayor Peterman presented Mr. Allen Maness with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Maness thanked everyone.

- *Jimmy Aiken – Proclamation of Commendation and Appreciation for 25 years 4 months of service to the City of Graham*

Mayor Peterman presented Mr. Jimmy Aiken with a Proclamation of Commendation and Appreciation as well as a gift from the City of Graham. Mr. Aiken thanked everyone.

**Consent Agenda:**

- a. *Approve Minutes – January 13, 2020 Special Session*
- b. *Approve Minutes – January 14, 2020 Regular Session*
- c. *Approve Tax Releases & Refunds*



CITY OF GRAHAM RELEASE ACCOUNTS				
FEBRUARY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
11892	2019	KEYSTONE GROUP INC	QUALIFIED FOR BID EXEMPTION	840.87
151658	2019	MOSER, SUZANNE YARBOROUGH	QUALIFIED FOR HOMESTEAD EXEMPTION	266.83
647389	16-19	BLACK, THOMAS S	DOES NOT LIVE IN CITY LIMITS OF GRAHAM	6.04

CITY OF GRAHAM REFUNDS				
FEBRUARY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
23705	2019	APPLE, KAY MCGEE	QUALIFIED FOR HOMESTEAD EXEMPTION	298.22
549630	2019	STEWART, PEARL L	QUALIFIED FOR HOMESTEAD EXEMPTION	113.75


*d. Approve Tax Collector's Mid-Year Report*

**City of Graham**  
P. O. Drawer 357  
201 South Main Street  
Graham, North Carolina 27253  
(336) 570-6700 / Fax: (336) 570-6703

**MID YEAR REPORT**  
February 4, 2020

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,124,188,270	0.455%	5,115,058.00
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	1,605,766		7,306.23
<u>ANNEXATIONS:</u>			
<u>ABATEMENTS:</u>	(4,111,560)		(18,707.69)
CURRENT LEVY	1,121,682,476		5,103,656.54
OUTSTANDING REAL PROPERTY TAXES:			204,995.94
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>56,699.90</u>
TOTAL OUTSTANDING TAXES			261,695.84
CURRENT YEAR TAXES COLLECTED:			4,841,960.70
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			94.87%

I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 19, 2020 IN THE ALAMANCE NEWS. COST FOR ADVERTISING WILL BE \$4.00 PER PARCEL ADVERTISED AND WILL BE CHARGED ONE TIME TO THE TAXPAYER.

Submitted by Sandy P. Callahan, Tax Collector 

- e. *Approve Amendments to the City of Graham Traffic Schedule*
- f. *Approve the street closure request by Brian Faucette for the 100 blocks of East and West Elm Street on June 20, 2020 from 1:00 p.m. – 9:00 p.m. for the annual Slice of Summer event. Alternative date June 27, 2020*
- g. *Approve the street closure request by Brian Faucette for the 100 blocks of East and West Elm Street on October 30, 2020 from 2:00 p.m. – 10:30 p.m. for the annual Pumpkin Bash event. Alternative date November 6, 2020*
- h. *Approve the street closure request by Brian Faucette for the 100 block of West Elm Street on May 28<sup>th</sup>, June 25<sup>th</sup>, July 23<sup>rd</sup>, August 27<sup>th</sup>, September 10<sup>th</sup> and September 24<sup>th</sup> from 5:00 p.m. – 11:30 p.m. for the 2020 Thursdays at Seven Concert Series. Alternative dates in 2020: June 2, 4, 9, 11, 16, 18, 23, 30; July 2, 7, 9, 14, 16, 21, 28, 30; August 4, 6, 11, 13, 18, 20, 25; September 1, 3, 8, 15, 17, 22, 29; October 1, 6, 8*
- i. *Approve the street closure request by Shari Kumiega, of Together Community Events for the 100 block of West Elm Street and the adjacent parking lot off of West Elm Street on Saturday, June 13, 2020 from 1:00 p.m. – 9:00 p.m. for the Graham Food Truck Rodeo with the following conditions:*
  - *Provide a Certificate of Liability insurance meeting all City requirements*
  - *Schedule public safety personnel following the Extra Duty Solutions process*
- j. *Approve the street closure request by Culture Mill to close the 100 block of West Elm Street on May 29, 2020 from 5:00 p.m. – 11:00 p.m. for the Bal Populaire event with the following conditions:*
  - *Provide a Certificate of Liability insurance meeting all City requirements*
  - *Schedule public safety personnel following the Extra Duty Solutions process*

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull items “f”, “g”, “h”, “i” and “j”.

Council Member Melody Wiggins made a motion to approve items “a”, “b”, “c”, “d” and “e” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

Council Member Talley expressed concern with business owners not being notified of potential street closures prior to Council approval. Recreation and Parks Director Brian Faucette informed Council Members that the times requested this year are actually shorter than times requested in the past. He stated that he believed that the Recreation Department had informed the area businesses that the request was forthcoming. Mr. Tom Boney of the Alamance News stepped forward and stated that his business had not been notified. Mr. Faucette advised that his department will notify all affected businesses immediately and in the future, will begin notifying them prior to the request coming before Council.

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

Council Member Wiggins made a motion to approve item “g” on the Consent Agenda, seconded by Council Member Ricky Hall. All voted in favor of the motion.

Council Member Hall made a motion to approve item “h” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Hall made a motion to approve item “i” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Council Member Hall made a motion to approve item “j” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

## **Old Business:**

### ***a. Utility Payment Policy Discussion***

Council Member Talley explained that a resident had brought to her attention that the relay on their water meter had become inoperable. She added that the City made the repair and charged the resident approximately \$1800-\$1900. She stated that she believes the current Utility Payment Policy is not a good policy. The City’s current policy states ‘Billing undercharges and omissions will be billed retroactively up to three (3) years when service use and/or availability can be determined and quantified’. Council Member Talley thinks the City needs to do a better job identifying and notifying customers of issues. She referenced the City of Burlington and the City of Mebane’s policies when asking Council to instruct the City Manager to change the policy.

Mayor Peterman stated that he believes the current policy is fine, but does believe that we need to find a more efficient way of identifying problems. Council Member Wiggins agreed with Mayor Peterman, adding that she would like to see the current procedure employees used addressed. Mayor Pro Tem Turner agreed with addressing employee procedure but also stated that he believes going back three years is a little steep. Council Member Talley reiterated her wish to have the policy changed. Council Member Wiggins made a motion to instruct the City Manager to look into the policy and see if he can assist us with that, not only the policy of what happens when they come in the front door, but take a look at other policies and see if we can get in line with those. Before Mayor Peterman asked for a second, he wanted to give the customer who had been back billed the opportunity to speak.

Mr. Billy Warren and Mrs. Karen Warren of 640 Wendy Drive Graham stepped forward to address this agenda item with Council Members. Following a discussion between the Warren’s and Council Members, Council Member Wiggins asked to amend her motion. She motioned to not only have the City Manager and the staff look into the policy itself, but also look into this gentleman and anyone else that has this issue, look into their concerns about their payments and what they are paying. Mayor Pro Tem Turner seconded the motion. Prior to the vote, Mayor Peterman asked for clarification. Council Member Wiggins stated that we have to go back and review the policy and if we have an issue like this where we know we have something this egregious, we need to correct that situation at this point. She added that if they have a \$1600 bill, then we need to fix it. All voted in favor of the motion.

### ***b. Downtown Master Plan Discussion***

Council Member Talley inquired as to what the next steps are to work on items Council Members have commented on that they would like to see changed in the plan. Mayor Peterman asked City Clerk Darcy Sperry to send out a Doodle Poll to see if we can find a date and time to meet before

next month's City Council meeting. Council Member Wiggins objected. She stated that no one on Council is an engineer and if you start playing with this plan, you are going to take away something you should not be messing with. Council Member Wiggins made a motion to instruct the staff to develop an RFP for review by the Council for an update and review of the current plan or parts thereof. Mayor Peterman stated that he would still like for the Doodle Poll to be done and then called for a second on Council Member Wiggins motion. The motion failed to get a second and therefore dies.

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

- a. **Public Hearing: Reserve on 54 (CR2001). Application by Brandon Martin for rezoning property from R-12 to Conditional Residential (C-R) for 37 townhomes on Sunset Drive (GPIN 8884809576)***

Planning Director Nathan Page informed Council Members that the Planning Board had tabled this item. Staff recommends Council table this item as well and discuss it at next month's meeting. Council Member Hall made a motion to table this item, seconded by Mayor Peterman. All voted in favor of the motion.

- b. **Valor Ridge (S2001). Application by David Michaels for subdivision of R-12 lots. Application for 114 lots on Parham Drive and Wildwood Lane (various GPIN's including 8883100157)***

Mr. Page explained this is a request to subdivide the approximately 52 acres of the subject property for up to 114 single-family residential lots. He added the Technical Review Committee reviewed the application and provided comments to the applicant via the Planning Director. As of the publishing of this agenda packet, the applicant had not responded to the comments. There are substantial required revisions to the plans, but they do not affect the number of proposed lots, nor the access points from Wildwood Ln. or Parham Dr. The Planning Board recommends approval.

Following a discussion between Council Members and staff regarding zoning, open space, potential annexation and street engineering, Mayor Peterman opened the discussion to the applicant. Mr. David Michaels of 5603 New Garden Village Road Greensboro and the developer for this project, stepped forward and fielded questions from Council Members. Mr. Michaels stated that it his intent to bring this property into the City limits and that he feels this request is consistent with the City's ordinance. He added that the final plat will not have more than 109 lots. Council Member Talley expressed concern with approving a plan that may be changed, as well as, expressed concern with voting on this request, when she did not vote nor support the previous Council's rezoning approval.

With no further questions forthcoming, Council Member Wiggins made a motion that the application be approved, the application is consistent with The Graham 2035 Comprehensive Plan and that the following supports this recommendation: Allowing a subdivision in this location removes households from the potential harm from floodways (Policy 4.3.1), and protects greenspace (3.2.4) and promotes a greenway trail system (4.2.1). Mayor Peterman seconded the motion. Ayes: Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

***c. Public Hearing: Text Amendment Planning Board Meeting Times (AM2001): An amendment to the existing Planning Board meeting date Ordinance, and to set voting for officers at the meeting following appointments***

Mr. Page explained that with the City Council changing their meeting time to the second Tuesday of the Month, staff recommends the Planning Board move their meeting to the fourth Tuesday of the month and reserve flexibility to change the date at some point in the future through notice and vote of the Planning Board.

Council Members and staff briefly discussed the language presented. Council Member Talley expressed concern with the proposed language included in Sections 10.18 and 10.20 of the Development Ordinance. City Attorney Bryan Coleman reviewed the proposed language and agreed with it as proposed. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Ms. Patty Allen of 265 West Shannon Drive stepped forward to address this agenda item with Council Members. A brief discussion regarding public notice between Ms. Allen, Council Members and staff ensued. Mr. Page referred to the State Statute concerning notification requirements and reminded everyone that the public notice is not for the Planning Board meeting, but rather the City Council meeting. Mr. Page proposed raising the fee for a rezoning, allowing two notices to be sent. One notice to adjacent property owners would state the time for the Planning Board meeting while the other would inform them of the City Council meeting. With no further discussion forthcoming, Mayor Peterman closed the Public Hearing.

City Attorney Bob Ward advised Council that they could approve part of this request or send it back to the Planning Board. He added that Council Member Hall made a motion that we send this back to the Planning Board with our comments and with Mr. Page's amendments to what they put forth and for them to revise it and send it back to us. Mayor Pro Tem Chip Turner seconded the motion and all voted in favor of the motion.

**Boards & Commissions Appointments:**

***a. Appearance Commission (1 vacancy: expires 2021):***

Ms. Stephanie Ruiz, Ms. Sarah Barham and Mr. William Copeland expressed their desire to be appointed to this Commission. Council Member Talley recommended Mr. Copeland, seconded by Council Member Hall. Council Member Wiggins recommended Ms. Stephanie Ruiz, seconded by Mayor Peterman. Mayor Pro Tem Turner supported Council Member Wiggins recommendation. By a majority vote, Ms. Ruiz was appointed to fulfill a term to expire on June 30, 2021.

***b. Tree Board (1 vacancy: expires 2022):***

Council Member Hall recommended Ms. Jada Fox for appointment, seconded by Council Member Wiggins. All voted in favor of the recommendation and Ms. Fox was appointed to fulfill a term to expire on June 30, 2022.

### **Issues Not on Tonight's Agenda:**

Mr. Maness reminded everyone about the upcoming Census.

Council Member Talley inquired as to the status of the bike lanes on Pine Street. Mayor Peterman and Mr. Maness advised that there has been a resolution to the bike lanes. Mr. Maness explained that authorization has been given. He informed Council that due to the thermoplastic marking paint used, they cannot be re-stripped until we have warmer weather. Council Member Talley expressed concern with having to wait for warmer weather.

Council Member Talley indicated that she would like to have those individuals who put on events, along with Police Chief Jeff Prichard, be at the March meeting to discuss the EDS process.

Council Member Talley asked Mr. Paul Crotts to step forward and talk about an issue he is having with trash pickup. Mr. Crotts of Graham Furniture stepped forward to address the Council. Mr. Crotts expressed concern for receiving water bills that included surplus garbage charges. He stated that with his business, he has mattress bags that he fills with styrofoam. The City is saying that it is surplus garbage and charging him for picking it up. Council Member Talley expressed concern downtown businesses had never been charged a fee for bulk trash pickup until recently. Mr. Maness explained bulk versus containerized pickup. He stated that it is up to each business to determine how many containers they need. He reminded everyone that the City's Fee Schedule is based on volume and not weight. Council Member Talley stated that the rate schedule that the City Council set back in July, no word or utterance was made that you were charging the downtown residents and change for the businesses from a trip fee to a per unit fee. Council Member Talley alleged that someone changed language in the Fee Schedule from per month to per unit per month, without Council's knowledge. Mayor Peterman asked staff to look into this and report back to Council next month. He asked that staff look into the bulk rate being charged to Mr. Crotts as well.

Council Member Hall stated that residents along Greenview Drive have asked him to have the City conduct a traffic study and make the intersections at Greenview Drive and Pepperstone Drive, Chartwell Lane and Pepperstone Drive and Covington Loop and Pepperstone Drive all way stops. Mayor Peterman asked staff to look into that.

Council Member Wiggins informed everyone that on Monday, February 17, 2020, the Historical Museum will have an open house in conjunction with the public school system.

Mayor Peterman made a motion that the Public Hearing for the Reserve on 54, tabled earlier in this meeting, will be March 10, 2020, seconded by Council Member Hall. All voted in favor of the motion.

Downtown Development Coordinator Mary Faucette announced the opening of new downtown businesses C&Z Grill and The Muse.

At 9:02 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
WEDNESDAY, MARCH 4, 2020  
8:30 A.M.**

The City Council of the City of Graham met in special session at 8:30 a.m. on Wednesday, March 4, 2020, at the Graham Civic Center located at 503 McGee Street.

**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  
Jeff Prichard, Police Chief  
Tommy Cole, Fire Chief  
Tonya Mann, Utilities Director  
Burke Robertson, Public Works Director  
Brian Faucette, Recreation & Parks Director  
Julianne Cordon, Finance Officer  
Jeff Wilson, Information Technology Systems Mgr.  
Nathan Page, Planning Director  
Kristi Cole, Assistant Police Chief  
Mary Faucette, Downtown Development Coordinator

Mayor Jerry Peterman called the meeting to order and presided at 8:30 a.m.

**Downtown Master Plan Discussion:**

Council Members discussed various items included in the Downtown Master Plan. All agreed that some types of canopy trees are not good for the downtown area. Council Members discussed using portable containers/planters for trees and greenery. Also discussed was incorporating bump-outs in the corners of Court Square, as well as, the intersection of Pine Street and South Main Street. City Manager Frankie Maness noted that bump-outs affect stormwater flow. Council Members agreed that the roundabout at McAden Street and South Main Street should not be pursued, as noted on page 149 of the plan. Additionally, Council Members discussed sidewalk widths, parking, loading zones and truck traffic. Mayor Pro Tem Turner advised that he spoke with NCDOT and they are willing to move the stop bars back to accommodate safer truck traffic in the downtown area. Council Members discussed possible signage to divert all but downtown delivery trucks around the downtown area. Mr. Maness stated that certain industries have some exceptions and we would have to look into all laws before any signs be erected. Mayor Peterman asked staff to find out what signs the City can legally put up on City maintained streets. He stated that we can request NCDOT to eliminate trucks in the downtown area, but we cannot dictate NCDOT truck routes.

Council Members also spoke of the need to prepare for a likely increase in bike and pedestrian traffic over the next 10 years. The idea of pavers over concrete in downtown was also discussed, allowing for the installation of drip lines to help with greenery maintenance. Mayor Peterman advised that the Downtown Master Plan discussion would continue at a future meeting.

### **WWTP Upgrade Presentation by Hazen & Sawyer:**

The City contracted with Hazen & Sawyer for the State mandated Wastewater Treatment Plant upgrades. Representatives from Hazen & Sawyer gave a Power Point presentation that included a history of wastewater treatment, history of Graham, the City's current permit, challenges, timeline, recommended upgrades, capital cost and funding.

Following the presentation, Council Members, staff and the representatives from Hazen & Sawyer discussed this project. Mr. Maness mentioned that we have known this estimated \$30 million dollar project was coming, and in the history of Graham, this will have the biggest impact to the residents. He spoke of the impact this will have on future water rates. Mr. Maness recommended a gradual increase in user rates beginning this year. Included in the discussion was the repercussions if the City chose not to do anything at this time. Council Members were informed that the City would be in violation of their permit and would face fines of \$25,000 per day, potential lawsuits from third party entities and not being able to issue building permits. Various financing options were discussed. Mayor Peterman directed staff to put together a resolution for Council to consider at the April 2020 meeting.

Without objection, Mayor Peterman recessed the meeting at 11:22 a.m. for lunch and at 1:00 p.m. reconvened the meeting.

### **FY 2019-2020 Budget Review and Status Update:**

Mr. Maness presented an overall update on the status of the Fiscal Year 2019-2020 Budget and provided a snapshot of where departments are performing. He identified growing pains, cost of delay, rising cost of goods, low unemployment rates, bull or bear economy and other market forces, new regulatory requirements, rate shock, project queuing, experience of assets (employees and infrastructure) and significance of the census as those things Council should consider when adopting the 2020-2021 Budget on June 9, 2020. He added that the census is very important with the calculation of revenues.

### **Roundtable Discussion of 2020-2021 Budget and Capital Improvements with Department Heads:**

Council Members were presented with a Power Point presentation as well as hearing from each department head.

Police Chief Jeff Prichard and Assistant Police Chief Kristi Cole presented their department's Budget requests. Chief Prichard advised that he is requesting to have the HVAC system and the flooring in the Police Department replaced. He stated he does not anticipate any line item increases. Council Members and staff discussed staffing and Chief Prichard stated that he could use one more patrol officer per shift. Discussion about the amount of comp time earned in this department ensued.



Fire Chief Tommy Cole informed Council Members that his department operates at the minimum level every day. He spoke about the number of comp hours his department earns every week.

Chief Cole explained that his requests include additional staff, a satellite station and training facility and replacing a new fire engine.

He added that he would like two new satellite stations that could be shared with the Police Department. All of the Chiefs spoke of the favorable working relationship between these two departments. Chief Cole attributed the need for more stations to his department's response time to some of the outlying properties in the City. He explained that he and Public Works Director Burke Robertson have identified City owned land that could potentially accommodate new stations. Mr. Maness stated that building new stations is not the main issue, it is staffing new stations. Chief Cole also informed Council that his department would start running medical calls on March 9, 2020.

Utilities Director Tonya Mann's presentation identified Cedar Street line renewal, chemical root control, manhole rehab, risk and resilience assessment and sewer main cured in place pipe lining as requests for Water & Sewer Distribution in the upcoming Budget. Included in the Maintenance & Lift Stations requests were the Old Fields outfall project – phase 1 and 2, as well as, spare pumps for lift stations. The Water Treatment Plant is requesting funding for recoating the clear wells, resurface the Plant drive and a knife gate at the raw water station. In addition to what Hazen & Sawyer presented, the Wastewater Treatment Plant's requests include a primary scum pump, a sludge mixer pump, a deionized water system, a mechanical bar screen, an influent grit pump and base and a transport pump on the transport truck.

Mr. Robertson spoke about the volatile recycling market and how it could affect the City in the future. He informed Council Members that the City's recycling contract expires in June 2022, and that several different options are currently being researched and a general discussion ensued. Requests for the Streets & Highways Department include funding for the Marshall, Travora and Pomeroy storm drain project, a pickup replacement, a track loader replacement, the Truby Drive repair design, pedestrian sidewalks, street resurfacing, the Elm and Maple municipal parking lot, a tandem dump truck and the Public Works asphalt repair and resurface. The City's Property Maintenance Department is requesting a 3500 4WD extended cab service body truck, a bucket truck, paving at Graham Memorial, an automatic gate and a metal carport. Mr. Robertson identified equipment software as a need in the City Garage & Warehouse Department.

Recreation & Parks Director Brian Faucette reviewed his requests for the Recreation Department. It includes multi-purpose fields, lighting updates at the Recreation Center, a projection center at the Civic Center, Alamance Arts interior painting, removable bollards for East and West Elm Street, concrete barriers, a floor scrubber, a Graham Regional Park water line and retractable bleachers for the Recreation Center. The Graham Mebane Lake Department is requesting a site master plan. Athletic Facilities is requesting skid steer, repaving the parking lot and track at Cooke Park, cameras at South Graham Park and expansion of the basketball court at Bill Cooke Park.

Information & Technology Systems Manager Jeff Wilson spoke about the increased demands placed on his two-person department. In addition to requesting another person, he identified computer replacements, a network refresh, rewiring City Hall, replacing the City's phone system and vm

replacement as his requests in the upcoming Budget. Council Members and staff discussed downtown Wi-Fi and the overall network security challenges the City faces day to day.

Assistant Manager Aaron Holland presented Council Members with funding requests by the Inspections/Planning & Zoning Department. A re-write of the Development Ordinance is that department's request in the upcoming Budget.

On behalf of the Historic Resources Commission, Downtown Development Coordinator Mary Faucette requested funding for a historic building inventory. Additionally, she requested additional funds on behalf of the Appearance Commission. Mrs. Faucette briefly spoke about various projects she is currently working on and asked Council Members for direction. She and Mr. Wilson informed Council Members that the City's new website is close to going live.

Mr. Robertson advised that the City has a temporary maintenance agreement with NCDOT to maintain the Main Street interchange. He briefly spoke about grant opportunities and possible partnerships with Alamance Community College and/or Southern High School's horticulture programs to assist with maintenance.

Council Member Talley stated her desire for the City to fund a signature event, painting and up fitting the light poles in the downtown area. She also would like to see an emphasis on more residency in the downtown area. Mayor Peterman stated we could possibly look at rezoning downtown for what Council Member Talley proposed. Council Member Hall would like to see the creation of a farmer's market.

Finance Officer Julianne Cordon stated that her department is always looking for ways to save money. She updated Council on the progress of the current meter replacement project.

With no further discussion forthcoming, Mayor Peterman made a motion to adjourn at 6:19 p.m., seconded by Council Member Talley. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, March 10, 2020  
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, March 10, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**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  
Bob Ward, City Attorney  
Nathan Page, Planning Director  
Tony Velez, Graham PD Lieutenant

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

**Consent Agenda:**

- a. Approve Minutes – February 11, 2020 Regular Session*
- b. Approve Tax Releases*

MARCH			
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>
644929	2019	SHARPE, ROBERT	BOAT NOT LOCATED IN CITY LIMITS
501880	2019	ROGERS, JOSHUA PRESTON	BOAT NOT LOCATED IN CITY LIMITS
674541	2019	VILLAS ON THE LAKE HOA	COMMON AREA CODED INCORRECTLY
			AMOUNT RELEASED
			5.01
			54.55
			316.87

- c. Approve Tax Collector's Debt Set-Off Report*
- d. Approve Audit Contract with Stout, Stuart, McGowen & King, LLP*
- e. Approve the street closure request by Graham First United Methodist Church to close East Market Street on April 4, 2020 from 9:00 a.m. – 4:00 p.m. for a community Easter "Egg"stravaganza event with the following conditions:*
  - Provide a Certificate of Liability insurance meeting all City requirements (received)*
  - Schedule public safety personnel following the Extra Duty Solutions process*

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

Council Member Ricky Hall made a motion to approve items “a”, “b”, “c”, and “e” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

Concerning item “d”, Council Member Talley questioned why the City has two accountants. City Manager Frankie Maness explained that approximately five years ago, amidst a growing concern for independence, the City chose to contract with Cobb, Ezekiel, Loy & Co. to help prepare the City’s financial statements and contract with Stout, Stuart, McGowen & King, LLP to perform the City’s audit. Council Member Talley expressed her desire to receive monthly financial statements. Mr. Maness and Mayor Peterman advised that Council Members are currently sent the monthly financial statements. Following the brief discussion, Council Member Hall made a motion to accept item “d” on the Consent Agenda, seconded by Council Member Wiggins. All voted in favor of the motion.

Mr. Tom Boney of the Alamance News stepped forward to address this agenda item with Council Members.

### **Old Business:**

***a. Public Hearing: Reserve on 54 (CR2001). Application by Brandon Martin for rezoning property from R-12 to Conditional Residential (C-R) for 37 townhomes on Sunset Drive (GPIN 8884809576)***

Planning Director Nathan Page explained this is a request to rezone the subject property from R-12 to Conditional Residential. The original proposed use was for 37 townhomes, with a mixture of quads, triples, doubles and single units. He added that there were significant amendments made before the Planning Board and the application is now for 19 single-family detached homes on the lots.

Council Member Wiggins asked Mr. Page about his staff report stating the applicant had not responded to the Technical Review Committee (TRC) comments. Mr. Page briefly described the process and advised that the applicant will go back before TRC if/when the rezoning is approved. With no further comments forthcoming for the staff, Mayor Peterman opened the Public Hearing.

Mr. Brandon Martin of 1430 Raspberry Run Graham stepped forward to answer questions from the Council. Council Member Talley expressed concern about density, traffic and lighting. Mr. Martin advised that the project would not be cost effective to develop this property under the current zoning.

Council Member Wiggins referred to the project as excellent, while Council Member Hall called it wonderful. Both commended Mr. Martin.

The following individuals stepped forward to address this agenda item with Council Members:

Kelly Jones – 958 Sunset Dr. Graham	Joey Janicki – 9 Sunset Dr. Graham
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Mayor Peterman closed the Public Hearing. Council Members and staff briefly discussed city services should this developer request annexation at some point. Council Members and Mr. Martin discussed water and sewer line installation, road construction and landscaping.

With no further discussion forthcoming, 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 3.3.2, 5.1.1 and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Before Mayor Peterman could entertain a second, Council Member Talley asked Council Member Wiggins if she would consider amending her motion to include a reduced density to 17. Council Member Wiggins stated she would not, believing it will happen on its own going through the TRC process. Mayor Pro Tem Turner seconded the motion. Ayes: Council Member Wiggins, Mayor Pro Tem Turner, Mayor Peterman and Council Member Hall. Nays: Council Member Talley. Motion carried 4:1.

***b. Public Hearing: Text Amendment Planning Board Meeting Times (AM2001). An amendment to the existing Planning Board meeting date Ordinance, and to set voting for officers at the meeting following appointments***

Mr. Page explained that the City Council has changed their meeting time to the second Tuesday of the Month. As such, it is staff's recommendation that the Planning Board move their meeting to the fourth Tuesday of the month, and reserve flexibility to change the date at some point in the future. He added that if the Planning Board meets before the 4th Tuesday of the month, most of the time, the mailed notice for the City Council meeting would be sent out after the Planning Board meeting. Mr. Page stated it was his recommendation to increase the fee to cover an additional mailing to advertise for the Planning Board meeting, should those meetings remain on the third Tuesday of each month.

Following a brief discussion between Council Members and staff about current fees and costs for advertising, Mayor Peterman opened the discussion to the floor. Mr. Dean Ward of 1143 Challenge Drive Graham stepped forward to address this agenda item with Council.

Council Member Wiggins made a motion that the text amendment be approved, the text amendment is consistent with The Graham 2035 Comprehensive Plan and that this action is reasonable and in the public interest for the following reason: NCGS 160A-384 requires notice be sent out at least 10 but not more than 25 days. Council Member Hall seconded the motion and all voted in favor of the motion.

***c. Extra Duty Solutions Discussion***

Mr. Maness explained that in recent meetings, it was decided that there would be an opportunity to discuss the Extra Duty Solutions (EDS) process provided through the City's emergency services and public safety departments. He added that EDS is used by city businesses and non-city agencies to secure extra duty services through the City's Police Department. Mr. Maness further explained that the Police Department has been providing extra duty services throughout the years, but that the scheduling of officers is now handled through EDS and officers are paid directly by EDS. He advised that EDS is a scheduling service, which helps to mitigate staffing concerns.

Graham Police Lieutenant Tony Velez stepped forward and provided a brief overview of the EDS process. Lt. Velez made it clear that officers voluntarily sign up to work extra duty and that their

supervisor must approve all extra duty work, to ensure that it does not interfere with their scheduled shift with the City of Graham. A general discussion about the program ensued.

Following the discussion, Mayor Peterman reminded everyone that this was a discussion and that no action needed to be taken.

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

***a. Request from Maureen Dolan to change the speed limit to 20 mph for The Villas at Hanford***

Mayor Peterman asked for a consensus to have the Police Department study this request in the next month. Consensus was given.

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

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

Mr. Page explained the petition seeks the Council's approval for an extension of the corporate limits to include the subject property. The area being considered for annexation is connected to Woody Drive and Whittemore Road. Water and sewer are both available at this location, with the applicant to extend private lines internal to the development. He added that the annexation process has multiple steps. The preliminary steps following receipt of a petition are to adopt two resolutions – one directing the Clerk to Investigate Sufficiency and one Fixing Date of Public Hearing. 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.

Council Member Hall asked about current zoning and Council Member Talley asked about annexation process, what the property will be used for and the cost of annexing this property into the City. Mr. Page advised that this property is currently zoned Conditional Residential. Mr. Maness explained the action Council would take at this meeting and then typically the following month. He advised that the ultimate value to the City depends on the end use of the property. Mr. Maness stated he anticipates a positive yield for the City.

With no further discussion 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 a 13.818 acre area on Woody Drive, seconded by Council Member Hall. All voted in favor of the motion.

Council Member Wiggins made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 13.818 acre area on Woody Drive, 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 A 13.818 ACRE AREA OFF WOODY DRIVE (AN2001)**

WHEREAS, a petition requesting annexation of an area described in said petition was received on March 3, 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 PUBLIC HEARING  
ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31  
FOR A 13.818 ACRE AREA OFF WOODY DRIVE (AN2001)**

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

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

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

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 at 6:00 pm on April 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:

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 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.

**Issues Not on Tonight's Agenda:**

Mr. Ward stepped forward and explained that on behalf of the Planning Board and Board of Adjustment, he was requesting that the City provide an attorney at their meetings. Mayor Peterman stated that the Council would consider this request during the upcoming budget meetings.

Council Member Hall invited everyone to the Piedmont Triad Regional Council's Triad Public Policy Summit on April 1, 2020 at NC A&T.

Council Member Talley asked for an update on the City's new website. Mr. Maness advised that we are hoping to have it done by the end of this month.

Mayor Peterman recognized the excellent job done by the Fire Department and civilians during the recent structure fire on Cannon Street. He suggested we consider looking into a civilian life saving award. He also advised that the Fire Department went live with running EMS calls this week.

At 8:13 p.m., Council Member Wiggins made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk



**CITY OF GRAHAM  
VIRTUAL SESSION  
TUESDAY, May 12, 2020  
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, March 10, 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

Mayor Jerry Peterman called the meeting to order and presided at 6:00 p.m. Mayor Peterman gave the invocation.

**Consent Agenda:**

- a. Approve Minutes – March 4, 2020 Special Session*
- b. Approve Minutes – March 10, 2020 Regular Session*
- c. Approve Traffic Schedule Amendments*
- d. Approve Clean Water State Revolving Fund (CWSRF) Resolution*



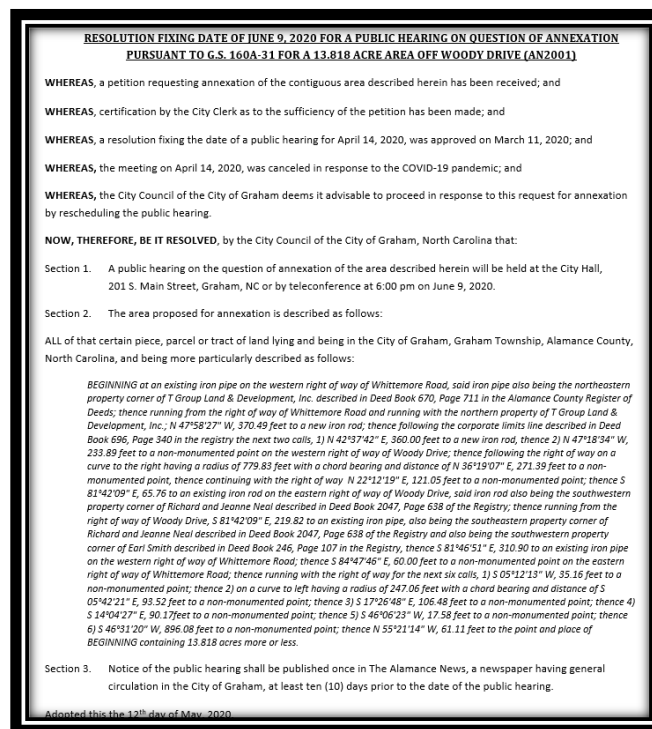
***e. Petition for Voluntary Contiguous Annexation for 13.818 acres located at 919 and 957 Woody Drive (GPIN 8884821071 & 8884825405) (AN2001):***

***i. Approve Resolution Fixing Date of Public Hearing on Question of Annexation***

Mayor Peterman asked Council Members if they would like to pull any of the items from the Consent Agenda. Council Member Jennifer Talley asked to pull item “e”.

Council Member Ricky Hall made a motion to approve items “a”, “b”, “c”, and “d” on the Consent Agenda, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

Concerning item “e”, Council Member Talley asked that adjoining property owners be sent notification letters. She expressed concern that COVID-19 may prevent some people from seeing posted signs. Mayor Peterman agreed and asked staff to send notification letters to the adjoining property owners. With no further discussion, Mayor Peterman made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Hall.



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

***a. Encroachment License Agreement request by Court Square Development for property located at 21 SE Court Square***

Assistant City Manager Aaron Holland explained that this is a request by Court Square Development Group, LLC for a proposed grease trap to be installed adjacent to the sidewalk at 21 SE Court Square. The intent of the grease trap is to serve a future restaurant at the location.

An encroachment license agreement approved by City Council is required pursuant to Sec. 18-2(c) of the City's Code of Ordinances. Mr. Holland advised that Council has approved similar requests in the past year.

Council Member Talley asked that she be recused, as her husband is the one asking for this request. Council Member Wiggins made a motion to recuse Council Member Talley, seconded by Mayor Pro Tem Chip Turner. All voted in favor of the motion.

With no discussion forthcoming about this request, Mayor Peterman made a motion to authorize the City Manager and City Attorney to enter into an encroachment license agreement with Court Square Development Group, LLC for a proposed grease trap at 21 SE Court Square as identified by the submitted photos with the following condition(s):

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

Council Member Wiggins made a motion to approve the Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31 for a 13.818 acre area on Woody Drive, seconded by Council Member Hall. All voted in favor of the motion.

Council Member Talley returned to the meeting.

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

Mayor Peterman advised that the City had received an email from Jeanne Neal of 967 Woody Drive Graham. Mayor Peterman read the email. Ms. Neal asked what the City was doing to support small, locally owned businesses during this COVID-19 crisis. Ms. Neal asked if a fund could be set up which would allow people to donate to their favorite restaurant or business to help them when they are able to reopen. Mayor Peterman advised that this might be something that Council Members and staff could discuss during the upcoming budget meetings.

Council Member Talley inquired about resources for personal protective equipment (PPE) and for legal aid for small business owners, citing the challenges small business owners are facing. Mr. Maness advised that the City is faced with the same challenges concerning PPE.

Mayor Peterman thanked the City staff for everything they are doing during these challenging times.

At 6:36 p.m., Council Member Hall made a motion to adjourn, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**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				
<b>JUNE</b>				
<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 9<sup>th</sup> 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-Melbane 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
	<u>13,559,300.00</u>	<u>13,559,300.00</u>
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
	<u>7,645,000.00</u>	<u>7,745,000.00</u>
Section 4		
WATER & WASTEWATER		
REVENUES	APPROVED	AMENDED
Water Charges	2,875,000.00	2,925,000.00
Sewer Charges	<u>2,735,000.00</u>	<u>2,785,000.00</u>
	<u>5,610,000.00</u>	<u>5,710,000.00</u>
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	<u>100.00</u>	<u>70,100.00</u>
	<u>200.00</u>	<u>80,200.00</u>
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 WHITEMORE 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 feet 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 9<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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 1<sup>st</sup>. 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

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**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
<b>FUND TOTAL</b>	<b>\$14,067,800</b>

**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
<b>Fund Total</b>	<b>\$14,067,800</b>

**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
<b>FUND TOTAL</b>	<b>\$8,150,800</b>

**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
<b>FUND TOTAL</b>	<b>\$8,150,800</b>

**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:

<b>Garage Fund</b>	<b>951,700</b>
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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
<b>Total</b>	<b>\$951,700</b>

**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
<b>TOTALS:</b>	<b>\$4,865,340</b>	<b>\$4,865,340</b>

**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 9<sup>th</sup> 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](mailto: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.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
SPECIAL SESSION  
WEDNESDAY, JULY 8, 2020  
9:00 A.M.**

The City Council of the City of Graham met in special session at 9:00 a.m. on Wednesday, July 8, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**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  
Bob Ward, City Attorney  
Bryan Coleman, City Attorney  
Kristy Cole, Assistant Police Chief

Mayor Jerry Peterman called the meeting to order and presided at 9:00 a.m.

Prior to the closed session, City Attorney Bob Ward advised Council that appointment of outside counsel must be done in open session.

At 9:02 a.m., Mayor Peterman made a motion to go into closed session in accordance with N.C.G.S. 143-318.11 (a) (3), to discuss litigation between the NAACP vs. Jerry Peterman, et al., civil action 1:20-CV-613 in Federal Middle District Court in Greensboro. Mayor Pro Tem Chip Turner seconded the motion and all voted in favor of the motion.

At 9:05 a.m., Council Member Jennifer Talley joined the closed session and at 9:15 a.m., Assistant Police Chief Kristy Cole joined the closed session.

At 9:43 a.m., Mayor Peterman reconvened the open session and announced that Council agreed to hire outside legal counsel for the upcoming litigation.

Council Member Talley recommended Mr. Anthony Biller. Mr. Ward stated Council could also consider Mr. Robert Hagemann and Mr. Mac McCarley. Mr. Ward suggested that if Council was in agreement with Mr. Biller, Mayor Peterman and/or City Manager Frankie Maness establish contact with him to see if he will take the case.

Mayor Peterman made a motion to ask the City Manager and Council Member Talley to contact Mr. Anthony J. Biller to see if he will do litigation between the NAACP and Jerry Peterman, civil action 1:20-CV-613 in Federal Middle District Court. Council Member Ricky Hall seconded the motion.

At 9:52 a.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

**CITY OF GRAHAM  
SPECIAL SESSION  
FRIDAY, JULY 10, 2020  
3:00 P.M.**

The City Council of the City of Graham met in special session at 3:00 p.m. on Friday, July 10, 2020, in the Council Chambers of the Municipal Building located at 201 South Main Street.

**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  
Bob Ward, City Attorney  
Bryan Coleman, City Attorney

Mayor Jerry Peterman called the meeting to order and presided at 3:00 p.m.

Mayor Peterman explained the reason for this meeting was to hire the law firm of Michael Best. City Manager Frankie Maness asked Council to authorize him to execute the engagement letter on behalf of the City.

Mayor Peterman made a motion to authorize the engagement of Michael Best as our City Attorney and authorize the City Manager to take care of that. Mayor Pro Tem Chip Turner seconded the motion and all voted in favor of the motion.

At 3:01 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Melody Wiggins. All voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
VIRTUAL SESSION  
TUESDAY, JULY 14, 2020  
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, July 14, 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  
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 and everyone stood to recite the Pledge of Allegiance.

**Consent Agenda:**

- a. Approve Minutes – June 9, 2020 Regular Session (Virtual)*
- b. Approve Minutes – July 8, 2020 Special Session*
- c. Approve Tax Collector's Year End Report*
- d. Approve 2019 Outstanding Tax Listing*
- e. Approve Resolution Authorizing Conveyance of 2005 Chevy Impala and 2008 Crown Victoria to Alamance Community College Pursuant to G.S. 160A-274*



**RESOLUTION AUTHORIZING CONVEYANCE OF A 2005 CHEVY IMPALA AND  
2008 FORD CROWN VICTORIA TO ALAMANCE COMMUNITY COLLEGE  
PURSUANT TO G.S. 160A-274**

**WHEREAS**, the City of Graham owns a 2005 Chevy Impala, Inventory #139, VIN# 2G1WF52K95978439 and a 2008 Ford Crown Victoria, Inventory #175, VIN# 2FAFP71V58X157700; 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 2005 Chevy Impala and 2008 Ford Crown Victoria to Alamance Community College, 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 Community College the following property:
  - 2005 Chevy Impala, Inventory #139, VIN# 2G1WF52K95978439; and
  - 2008 Ford Crown Victoria, Inventory #175, VIN# 2FAFP71V58X157700.
2. The property herein described shall be conveyed for no consideration.
3. The City Manager, Finance Officer and City Clerk are authorized to execute all documents necessary to convey the property in the manner authorized by this Resolution.

Adopted this 14th day of July 2020.

- f. Approve Ordinance of the City Council of the City of Graham, Repealing Article VI. - Parade or Demonstration Permit of the Code of Ordinances of the City of Graham, North Carolina*

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAHAM, REPEALING ARTICLE VI.  
- PARADE OR DEMONSTRATION PERMIT OF THE CODE OF ORDINANCES OF THE CITY OF  
GRAHAM, NORTH CAROLINA**

The City Council of the City of Graham, North Carolina, does ORDAIN:

**Sec. 1.** That ARTICLE VI. - PARADE OR DEMONSTRATION PERMIT of the Code of Ordinances, City of Graham, North Carolina, is hereby repealed.

**Sec. 2.** That this Ordinance shall be in full force and effect from and after its passage.

This the 14 day of July, 2020.

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

### **Old Business:**

- a. ***Public Hearing: Voluntary Non-Contiguous Annexation for 77 acres located on Jim Minor Road (GPIN 8893856817 & 8893762882) (AN2002):***
  - i. ***Approve Annexation Ordinance***

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

- a. ***Public Hearing: Riley’s Meadow (CR2002). Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***
- b. ***S2002 Riley’s Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***

Assistant City Manager Aaron Holland explained this is a voluntary request to extend the corporate limits for two lots, approximately 77 acres off Jim Minor Road. He added that because the Planning Board had tabled the rezoning and subdivision request for this property, staff recommended the public hearings for this item, along with items “a” and “b” (of the Recommendations from Planning Board) be tabled until the August 11, 2020 meeting.

Council Member Talley asked City Attorney Bryan Coleman about the sufficiency of this item. Mr. Coleman stated that the sufficiency notice had been done. With no further questions forthcoming, Mayor Peterman made a motion to postpone this item, as well as items “a” and “b” (of the Recommendations from Planning Board) to the August 11, 2020 meeting. Council Member Melody Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- b. ***Public Hearing: Voluntary Contiguous Annexation for 6.37 acres located at 1455 East Harden Street (GPIN 8893072659) (AN2003):***
  - i. ***Approve Annexation Ordinance***

Mr. Holland explained 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 1455 East Harden Street. He reminded Council that the annexation process has multiple steps and following a Public Hearing, approval of an Annexation Ordinance is the final step for Council in the annexation process. Mr. Holland advised that the fiscal impact to the City is expected to be negligible, water lines are available at the property, the City provides trash service in the vicinity, and staff recommends approval.

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

The following individual addressed Council Members via the livestream:

Carey Griffin – 1745 North NC Highway 49 Burlington

With no further comments 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 1455 East Harden Street, seconded by Council Member Ricky Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

<p style="text-align: center;"><b>ANNEXATION ORDINANCE</b>  <b>TO EXTEND THE CORPORATE LIMITS</b>  <b>OF THE</b>  <b>CITY OF GRAHAM, NORTH CAROLINA</b>  <b>FOR 1455 E HARDEN STREET (AN2003)</b></p> <p><b>WHEREAS</b>, the Graham City Council has been petitioned under G.S. 160A-31 to annex the area described below; and</p> <p><b>WHEREAS</b>, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p><b>WHEREAS</b>, 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 14, 2020, after due notice by publication on June 25, 2020; and</p> <p><b>WHEREAS</b>, the Graham City Council finds that the petition meets the requirements of G.S. 160A-31;</p> <p><b>NOW, THEREFORE, BE IT ORDAINED</b> by the City Council of the City of Graham, North Carolina that:</p> <p><b>Section 1.</b> 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 July 31, 2020:</p> <p>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:</p> <p>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 80° 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 8.37 acres ± (0.0099 square miles) and being an extension of the City of Graham Corporate Limits.</p> <p>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.</p> <p><b>Section 2.</b> 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.</p>
<p><b>Section 3.</b> 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.</p> <p style="text-align: center;"><b>Adopted this, the 14<sup>th</sup> day of July, 2020.</b></p>

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.

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

***c. Public Hearing: Jimmie Kerr B-2 (RZ2003). Application by Kansith Sorsengihn for rezoning from I-1 to B-2 for 7.55 (+/-) acres off Jimmie Kerr Road (GPIN 8894522701)***

Planning Director Nathan Page explained this is a request to rezone the subject property from Light Industrial to General Business and this lot has been vacant for some time. Mr. Page added the rezoning request is to develop for the purpose of building a single family dwelling as a primary residence as well as a retail nursery.

Following Council Member Talley's request to have Mr. Page restate the reason for this rezoning, Mayor Peterman opened the Public Hearing.

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

Benton Neese – 1470 Country Meadows Lane Kernersville
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The following individual addressed Council Members via the livestream:

Ed Freshwater	Carey Griffin – 313 Providence Road Graham
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With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Following a brief discussion between Council Members and staff, Council Member Wiggins made a motion that this 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, rezoning the subject property would permit development more fitting of the Educational District. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***d. Public Hearing: Rogers R-9 (RZ2004). Application by Scott Wallace, Keystone Group for rezoning from R-18 to R-9 for approximately 35 acres on Darrell Drive and Council Road (GPIN 8873608974)***

Mr. Page explained this is a request to rezone the subject property from R-18 to R-9. He added that the property is currently wooded. Additionally, this property was crossed by the proposed Southern Loop, which has subsequently been removed. Mr. Page advised that the stated reason for this request is to build a residential subdivision. No sketch plans have been submitted for the subdivision at this time.

Council Member Hall informed Council that he lives within a quarter mile of this property. By consensus, Council determined that Council Member Hall did not have to be recused.

Council Member Talley expressed concern that this property is surrounded by R-12 zoned properties. With no further discussion forthcoming, Mayor Peterman opened the Public Hearing.

Keystone Group president Scott Wallace of 3708 Alliance Drive Greensboro joined the meeting via the livestream.

Mr. Wallace answered questions from Council Members about entrances to the property, traffic concerns, and topography of the property. Additionally, he addressed concerns about the proposed zoning.

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

Keith Wilson – 2363 Council Road Graham	Travis Laughlin – 2205 North NC Hwy 87 Graham
Bobby Minor – 315 Old Farm Drive Graham	Patty Allen – 265 West Shannon Drive Graham

City Clerk Darcy Sperry read a public comment received via email for this agenda item:

Margarette Sheppard – 2374 Willowview Drive Graham
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Mayor Peterman closed the Public Hearing. Following a brief discussion between Mr. Wallace, Council Members and staff, Mr. Wallace advised that he would be open to the R-12 zoning designation. Mayor Peterman made a motion that the application be approved as R-12 zoning, 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: Rezoning the property would be in consistence with the Suburban Residential type and furthers policy 3.3.2, and strategy 4.3.1, as put forth by the Graham 2035 Comprehensive Plan. Council Member Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***e. Public Hearing: Service Road Light Industrial (RZ2005). Application by Phil Martin for rezoning from I-2 to I-1 for 5.5 acres (+/-) on East Interstate Service Road (GPIN 8884402904)***

Mr. Page explained this is a request to rezone the subject property from Heavy Industrial to Light Industrial. He added that this lot has been vacant for some time and the rezoning request is to reduce the building setback requirements.

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

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

Chad Huffine – 505 East Davis Street Burlington
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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 reasons: In keeping with Policy 2.1.5, and 2.4.2, rezoning the subject property would permit a larger building footprint upon the lot. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***f. Public Hearing: Hanson and Palmer R-9 (RZ2006). Application by Martin Shoffner for rezoning from R-12 to R-9 of 71 acres (+/-) off Hanson and Palmer Drive (GPIN 8883100157 and 8883000530)***

Mr. Page explained this is a request to rezone the subject property from R-12 to R-9. He added that the property is currently vacant, wooded, and under cultivation. Mr. Page informed Council Members that the property was crossed by the proposed Southern Loop, which has subsequently been removed. Additionally, the stated reason for this request is to build a subdivision of approximately a maximum of 158 single-family residential lots with a density of 2.6 dwelling units per acre, with 15.1 acres of open space.

Following a discussion by Council Members and staff including the Planning Board's action in this matter, density of neighboring properties, and the open space provision for an R-12 subdivision, Mayor Peterman opened the Public Hearing.

Mr. Martin Shoffner of 611 Westridge Drive Burlington joined the meeting via the livestream. Mr. Shoffner provided Council with a background of the property and spoke about the development that has already taken place on property in the area, leaving this piece of property still to be developed. He spoke about prior development leaving three street stubs into this property for future development. He pointed out that adjacent property is zoned R-9, medium density housing meets the requirements contained in The Graham 2035 Comprehensive Plan, water and sewer is available, and the increase in tax base for the City. Mr. Shoffner stated he is currently working with NCDOT about getting additional traffic lights, speed reduced on Rogers Road, and a lighted walkway from the City's park to the creek. Mr. Shoffner also spoke about how he would like to get an ADA approved parking pad with a walkway allowing for those who cannot walk, to be able to roll down to the creek to see the beauty that is there. Council Member Wiggins told Mr. Shoffner she appreciates his awareness to protect the river. Council Member Talley expressed concern with the R-9 zoning request, and asked Mr. Shoffner about developing the property with the open space allowance that the current R-12 zoning affords. Mr. Shoffner stated that by his calculations, R-9 would allow for 142 lots and the current R-12 with the open space provision would allow for 112 lots. Council Member Talley referred to the The Graham 2035 Comprehensive Plan calling for predominately single-family detached homes in suburban residential. She expressed concern with existing roads not being developed to handle the additional traffic and encouraged Mr. Shoffner to develop this property as R-12, its current designation. With no further comments forthcoming, Mayor Peterman opened the Public Hearing.

Mayor Peterman read a letter received from William and Charlet Buckmaster. Ms. Sperry informed Council Members that she had also received two emails from Mr. Buckmaster. Mayor Peterman decided that Mr. Buckmaster could verbally address Council, as it was pointed out that Mr. Buckmaster was one of the individuals waiting to speak to Council during this Public Hearing.

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

William Buckmaster-624 Whisper Ridge Dr. Graham	Larry Durham-1904 Palmer Dr. Graham
Steve Van Pelt-580 Grandview Dr. Graham	Jeanette Beauclair-616 Whisper Ridge Dr. Graham

Charlie Smith-616 Whisper Ridge Dr. Graham	Angela Parsons-506 Wildwood Ln. Graham
Patty Allen	Cynthia Thompson-1904 Palmer Dr. Graham
Lajune Moore-525 Wildwood Ln. Graham	Joann Henry-504 Grandview Dr. Graham
Paul Smart-556 Little Creek Dr. Graham	Carey Griffin-313 Providence Rd. Graham
Vance Evans-810 Spring Meadow Dr. Graham	

Mayor Peterman summarized concerns on a protest petition signed by 187 residents Council Members received via email prior to tonight's meeting. Ms. Sperry read an email submitted by Mr. Scott Smith of 671 Whisper Ridge Drive Graham.

Mr. Shoffner addressed some of the concerns expressed by those who spoke. He informed Council Members that it is his intent to develop this property himself. He expressed concern with whatever he does do with this property, residents will not be happy. Mr. Shoffner stated he would like to get approval for R-9, giving him flexibility. He admitted that Graham is changing and needs to adapt, and asked Council for a favorable approval. With no further comments forthcoming, Mayor Peterman closed the Public Hearing.

Council Member Talley asked Mr. Page what the smallest front line lots on the proposed development and if he had plans with lot dimensions. Mr. Page advised those would be required as part of a subdivision review and he has not reviewed the sketch plan included in the agenda packet. Council Member Talley expressed concern with doing something like this during the pandemic and Council should err on the side of caution in a situation like this. She once again expressed concern with traffic and referred to The 2035 Plan's call for predominately detached single-family homes in this area. She stated that these neighborhoods have to be designed to maintain single-family character neighborhoods. Council Member Talley referred to the need for new neighborhoods to have pocket parks and parks located in the center of the neighborhood, and a pedestrian friendly design. She stated that she feels this proposed density is not consistent with surrounding properties and referenced strategy 6.1.2 – low impact development. Council Member Talley also expressed concern with the clearing of the tree farm that is currently on this property. Mayor Pro Tem Turner expressed concern for the amount of density and traffic that would be brought to this area. Council Member Hall advised that he is opposed to this request, stating that the amount of density would be overwhelming to the network of roads in this area.

Following a brief discussion between Mayor Peterman and Mr. Page about options available to the developer should Council not provide a favorable motion, Council Member Talley made a motion that the application be denied, the application is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: In this plan I reference that we are supposed to be developing neighborhoods designed to maintain single family character.

Also, refer to Strategy 6.1.2 Low Impact Development; promote the use of low impact development techniques to mitigate the impacts of stormwater runoff. Such techniques should include the use of several things including reducing impermeable surfaces and restricting unnecessary grading and clearing of natural vegetation. There would be a ton of grading needed to develop this project. Its 70 acres in the size that it has. There is the use of no parks in the center of the new neighborhood.

Concerns about additional traffic through existing neighborhoods and neighborhoods that are coming, that have already been approved. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Talley, Council Member Hall, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Wiggins. Motion carried 4:1.

At 8:45 p.m., Mayor Peterman called for a 15-minute recess. At 9:00 p.m., Mayor Peterman reconvened the virtual meeting.

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

Mayor Peterman read a letter he received from Larry Brooks, Executive Director of the Alamance Municipal ABC Board encouraging Council to reappoint Robert Sykes to the board.

Council Member Talley expressed concern with the application process currently in place and asked Mayor Peterman to consider appointments to the Planning Board/Board of Adjustment, Historic Resources Commission and the Appearance Commission at this meeting. She asked that the other appointments be made next month, allowing for those who are not chosen for one of these three boards the opportunity to apply for the others. Mayor Peterman stated he would like to make all appointments at this meeting and directed the City Clerk to reach out to all applicants tomorrow with a list of vacancies. Council Member Wiggins and Mayor Pro Tem Turner agreed with Mayor Peterman while Council Member Hall stated he was neutral.

#### ***ABC Board – 3-year term***

Mayor Pro Tem Turner made a motion to reappoint Robert Sykes to the ABC Board, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

#### ***Appearance Commission – 3-year term***

The following individuals addressed Council Members via the livestream:

Sarah Barham-112 Mallard Creek Dr. Graham	Judy Hall
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Council Member Talley made a motion to appoint Judy Hall and Cheryl Ray to the Appearance Commission, seconded by Council Member Hall. Mayor Peterman polled the Council Members. Ayes: Council Member Talley, Council Member Hall and Mayor Pro Tem Turner. Nays: Mayor Peterman and Council Member Wiggins. Motion carried: 3:2.

#### ***Canine Review Board – 3-year term***

Mayor Peterman made a motion to reappoint Daphne Younger to the Canine Review Board, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.



***Historical Museum Advisory Board – 3-year term***

Council Member Talley made a motion to reappoint Elaine Murrin to the Historical Museum Advisory Board, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***Historic Resources Commission – 4-year term***

The following individuals addressed Council Members via the livestream:

Jennifer Brito	Matthew Haley-2545 Covington Loop Graham
Elaine Murrin	Travis Laughlin

Council Member Talley made a motion to appoint Karen Chin and Paul Tucker to the Historic Resources Commission, seconded by Council Member Hall. Mayor Peterman polled the Council Members. Ayes: Council Member Talley and Council Member Hall. Nays: Mayor Peterman, Mayor Pro Tem Turner and Council Member Wiggins. Motion failed: 3:2.

Council Member Wiggins made a motion to appoint Karen Chin and reappoint Carla Smith to the Historic Resources Commission, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***Housing Authority – 5 year term***

Council Member Hall made a motion to reappoint Suzanne Moser to the Housing Authority, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***Planning Board/Board of Adjustment – (2) 3-year terms, (1) 2-year term***

The following individuals addressed Council Members via the livestream:

Beverly Scurry	Tony Bailey-1139 Challenge Dr. Graham
Mtende Roll-414 S. Maple St. Graham	Eric Crissman-208 Albright Ave. Graham
Bobby Minor-315 Old Farm Dr. Graham	Elaine Murrin

Mayor Peterman made a motion to reappoint Eric Crissman – term to expire June 2023, and appoint Bobby Chin – term to expire June 2023 and Beverly Scurry – term to expire June 2022 to the Planning Board/Board of Adjustment, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman and Council Member Wiggins. Nays: Mayor Pro Tem Turner, Council Member Talley and Council Member Hall. Motion failed: 3:2.

Council Member Talley made a motion to appoint Tony Bailey, Bobby Chin and Bobby Minor to the Planning Board/Board of Adjustment, seconded by Council Member Hall. Mayor Peterman polled the Council Members. Ayes: Council Member Talley and Council Member Hall. Nays: Mayor Peterman, Mayor Pro Tem Turner and Council Member Wiggins. Motion failed: 3:2.

Mayor Pro Tem Turner made a motion to appoint Bobby Chin – term to expire June 2023 and Tony Bailey – term to expire June 2022 and reappoint Eric Crissman – term to expire June 2023 to the Planning Board/Board of Adjustment, seconded by Mayor Peterman. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***Recreation Commission – 3-year term***

Mayor Peterman made a motion to reappoint Brian Cutlip and Kent Davis to the Recreation Commission, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***Tree Board – 3-year term***

Mayor Peterman made a motion to reappoint Bonnie Hutchinson to the Tree Board, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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

Planning Board Chair Dean Ward of 1143 Challenge Drive Graham joined the livestream and asked Mayor Peterman to consider allowing the next Planning Board meeting to be held in person versus a virtual meeting. Mayor Peterman advised that we would look into it.

Mayor Peterman advised that at this time, the Council will not speak about or make any statements regarding the NAACP vs. Jerry Peterman, et al., civil action 1:20-CV-613 in Federal Middle District Court in Greensboro.

Ms. Sperry read a public comment received via email from Elizabeth McCue, which addressed making the County more pedestrian and bike friendly, as well as, the confederate monument. Additionally, Ms. Sperry read a public comment received via email from Casey Eggleston, which addressed the removal of the bell knocker in Court Square. Mayor Peterman addressed the removal of the bell knocker by informing everyone that the bell is on loan and does not belong to the City of Graham. He asked for it to be removed to prevent further damage. Ms. Sperry read two public comments received via email from Von Johnson of 225 West Harden Street Graham addressing the confederate monument and the ethnic make-up of the Graham Police Department. Mayor Peterman asked staff to email Mr. Johnson and advise him that he could call the Graham Police Department for that information.

Patty Allen joined the livestream and asked that the instructions for public comment on the Public Notice for Virtual meeting be made clearer.

The following individuals addressed the confederate monument, conduct of Council Members, protests and/or public safety in the City of Graham via the livestream:

Carey Griffin-313 Providence Rd. Graham	Addison Teachey-736 Banks St. Graham
Stephanie Ruiz	S. Blackwell-112 E. Gilbreath St. Graham
Dionne Liles-12 NE Ct. Sq. Graham	Von Johnson
Joshua Fitzgerald-3145 Midway Church Rd Elon	Krystal Ortiz

Casey Eggleston	Nathan Griffin
Colleen Leonard	

Council Member Talley expressed concern with allegations made by some of the callers.

Mr. Page reminded Council Members that approximately 18 months ago, Council requested on behalf of Alamance Community College that staff reach out to NCDOT and ask that the speed limit on Jimmie Kerr Road be lowered. Mr. Page advised that NCDOT has responded and that the existing 45 mph is appropriate for the road conditions. By consensus, Council Members asked staff to present Council with a formal recommendation for Council to consider at next month's meeting.

Mr. Maness responded to the earlier request for demographics within the Graham Police Department. He stated 16.6% of total sworn staff are African-American or Hispanic. He added that 16.6% of sworn staff are female.

Council Member Talley encouraged everyone to come to downtown Graham and hopes that we can have events soon.

Mayor Peterman reminded everyone of Graham Fire Department part-time firefighter Jimmy Lambert's funeral arrangements.

At 10:38 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

**CITY OF GRAHAM  
VIRTUAL SESSION  
TUESDAY, AUGUST 11, 2020  
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, August 11, 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

Mayor Jerry Peterman called the meeting to order and presided at 6:16 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance. Due to technical difficulties, Council Members lost connection at various times throughout the proceedings.

**Consent Agenda:**

- a. Approve Minutes – July 10, 2020 Special Session*
- b. Approve Minutes – July 14, 2020 Special Session (Virtual)*
- c. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
AUGUST				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
182237	2020	EXECUTIVE SECRETARIAL SVCS	MOVED TO BURLINGTON	10.46
353742	2020	HARPER, SAMULE MARTIN	ADJUSTED VALUE OF BOAT	46.00
619924	2020	BLACKWELL, DAMIAN AVERY	SOLD JET SKI IN 2019	3.91
661071	2020	SHORT, JOHNNY LEE REVOC TRUST	BPP BILLED TO WRONG ACCT NUMBER	\$153.61
686691	2020	LANE, DAWN PATTISHALL	ADJUSTED VALUE OF BOAT	\$61.65
689377	2020	HANKINS, JOHN VINCENTE	BILLED TO WRONG PROPERTY OWNER (PROCESSED DISCOVERY TO CORRECT OWNER)	\$696.79

- d. Approve Resolution to Adopt the Eno-Haw Regional Hazard Mitigation Plan*

**A RESOLUTION TO ADOPT THE ENO-HAW HAZARD MITIGATION PLAN**

**WHEREAS**, in October 2000, the President of the United States signed into law the “Disaster Mitigation Act of 2000” (PL 106-390) to amend the “Robert T. Stafford Disaster Relief and Emergency Act of 1988” which requires local governments to adopt a mitigation plan in order to be eligible for hazard mitigation funding; and

**WHEREAS**, Federal mitigation planning regulations require local mitigation plans to be updated and resubmitted to the Federal Emergency Management Agency for approval every five years in order to continue eligibility for Federal Emergency Management Agency hazard mitigation assistance programs; and

**WHEREAS**, North Carolina General Statute §166-A - 19.41, approved by the North Carolina General Assembly in June 2001 requires local governments to have a hazard mitigation plan approved in order to receive state public assistance funds; and

**WHEREAS**, Alamance County staff along with representatives from partnering jurisdictions in conjunction with contract services have performed a comprehensive review and evaluation of the newly created Eno-Haw Regional Hazard Mitigation Plan and have updated the plan as required under regulations at 44 CFR Part 201 and according to guidance issued by the North Carolina Division of Emergency Management; and

**WHEREAS**, the North Carolina Division of Emergency Management has deemed the Eno-Haw Regional Hazard Mitigation Plan compliant with Section 322 of the Disaster Mitigation Act of 2000, as well as with relevant state requirements; and

**WHEREAS**, the Federal Emergency Management Agency has received a draft of the Eno-Haw Regional Hazard Mitigation Plan and is currently reviewing;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of The City of Graham hereby adopt, by way of this resolution, the “Eno-Haw Regional Hazard Mitigation Plan” 2020 edition as approved by the North Carolina Division of Emergency Management.

Adopted this the Eleventh day of August, 2020

- e. *Approve Ordinance Rescinding Annexation Ordinance to Extend the Corporate Limits of City of Graham, North Carolina for 1455 East Harden Street (AN2003)*

ORDINANCE  
 RESCINDING  
 ANNEXATION ORDINANCE  
 TO EXTEND THE CORPORATE LIMITS  
 OF  
 CITY OF GRAHAM, NORTH CAROLINA  
 FOR 1455 EAST HARDEN STREET (AN2003)

WHEREAS, Kenneth Smith and Anita Smith, pursuant to G.S. 160A-31 petitioned the City of Graham to annex certain property at 1455 East Harden Street (AN2003); and

WHEREAS, a public hearing on the question of this annexation was held by teleconference at 6:00 P.M. on July 14, 2020; and

WHEREAS, the City Council upon conclusion of the public hearing adopted an Ordinance annexing 1455 East Harden Street as more particularly set forth in the Annexation Ordinance (AN2003) and recorded in the Alamance County Register of Deeds on July 29, 2020 in Book 04027, Start Page 0454 and End Page 0455 which is incorporated herein by reference; and

WHEREAS, The City Council directed by resolution on June 9, 2020, that the required public notice be published 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; and

WHEREAS, the City Council has determined that the required publication of the public notice failed to occur and has therefore determined that said Ordinance (AN2003) adopted on July 14, 2020 should be rescinded; and

WHEREAS, the City Council, at a meeting of this body upon notice duly convened on August 11, 2020 in accordance with the Open Meetings Law (G.S. Section 143-318.12(b)(2)), considered the matter of the rescission of said Annexation Ordinance (AN2003); and

NOW THEREFORE, the City Council does hereby RESCIND AND REPEAL the action of July 14, 2020 adopting Annexation Ordinance (AN2003); and said action adopting said Ordinance is otherwise of no effect.

The Mayor of the City of Graham shall direct city staff to take all actions required to give full force and effect to this action and shall cause to be recorded in the office of the Register of Deeds of Alamance County, this ORDINANCE RESCINDING ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF CITY OF GRAHAM, NORTH CAROLINA FOR 1455 EAST HARDEN STREET (AN2003).

Adopted this, the 11<sup>th</sup> day of August, 2020.

- f. *Approve Professional Services Agreement with Hazen and Sawyer for engineering services for the improvements and expansion of the Graham Wastewater Treatment Plant*
- g. *Petition for Voluntary Non-Contiguous Annexation for 21.619 acres located on Sugar Ridge Road and Jimmie Kerr Road (GPIN 8884821071 & 8884825405) (AN2004):*
  - i. *Approve Resolution Requesting City Clerk to Investigate Sufficiency*
  - ii. *Approve Resolution Fixing Date of Public Hearing on Question of Annexation*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-58**  
**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.

**RESOLUTION FIXING DATE OF SEPTEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF**  
**ANNEXATION PURSUANT TO G.S. 160A-58 FOR A 70 ACRE LOT ON SUGAR RIDGE AND JIMMIE KERR ROADS**  
**(AN2004)**

**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, 201 S. Main Street, Graham, NC or by teleconference at 6:00 pm on September 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 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 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 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 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 11<sup>th</sup> day of August, 2020.

**CERTIFICATE OF SUFFICIENCY**  
**FOR 70 ACRE AREA ON SUGAR RIDGE ROAD AND JIMMIE KERR ROAD (AN2004)**

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-58.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5<sup>th</sup> day of August, 2020.

- h. 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*

**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 SEPTEMBER 8, 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 September 8, 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 11<sup>th</sup> day of August, 2020.**

**CERTIFICATE OF SUFFICIENCY**  
**FOR A 6.37 ACRE LOT AT 1455 EAST HARDEN STREET GPIN# 8893072659 (AN2003)**

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5<sup>th</sup> day of August, 2020.

- i. 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*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-58**  
**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-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.

**RESOLUTION FIXING DATE OF SEPTEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58 FOR A 77 ACRE LOT OFF JIM MINOR ROAD (AN2002)**

**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, 201 S. Main Street, Graham, NC or by **teleconference at 6:00 pm on September 8, 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 11<sup>th</sup> day of August, 2020.

**CERTIFICATE OF SUFFICIENCY**  
**FOR A 77 ACRE AREA OFF JIM MINOR ROAD GPIN# 8893856817 and 8893762882**  
**(AN2002)**

To the City Council of the City of Graham, North Carolina:

I, Darcy L. Sperry, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by an appointed representative of real property lying in the area described therein, in accordance with G.S. 160A-58.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Graham, this the 5<sup>th</sup> day of August, 2020.

Following a request by Mayor Peterman to pull items “g” and “i”, Council Member Ricky Hall made a motion to approve items “a”, “b”, “c”, “d”, “e”, “f” and “h” of the Consent Agenda. Council Member Melody Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman asked Assistant City Manager Aaron Holland to explain the changes made to items “g” and “i”. Mr. Holland stated that the wrong General Statute was referenced on the staff reports for both items included in the agenda packet. He advised that the correct General Statute is G.S. 160A-58 and Council should reference that Statute in their motion. With no discussion forthcoming, Council Member Hall made a motion to approve item “g” as written with the updated language. Council Member Wiggins seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Council Member Hall made a motion to approve item “i” as written with the corrected language, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

### **Old Business:**

- a. **Public Hearing: Riley’s Meadow (CR2002). Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***
- b. **S2002 Riley’s Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road (GPIN 8893762882 and 8893856817)***

Planning Director Nathan Page advised that due to the improper publication of the public notice, Council does not have the authority to rule on the rezoning or subdivision requests until the annexation is official. Mr. Page recommended tabling these items until the next meeting.

Mayor Peterman made a motion to postpone both items until September 8, 2020, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

### **Public Hearing: Project Sort**

- a. **Approve Incentive Agreement for Project Sort with United Parcel Service, Inc. and authorize the Mayor, City Manager, City Attorney, City Clerk and Finance Officer to execute the agreement of behalf of the City***

City Manager Frankie Maness explained that staff members from the City of Graham, City of Mebane, and Alamance County have been working to entice United Parcel Service, Inc. to locate a proposed regional headquarters and distribution facility in the NCCP. The facility proposes to employ 451 full time employees with average salaries of \$65,147 and provide a taxable value of \$262,214,000. Mr. Maness added that the properties being considered are NE of the Wal-Mart Distribution Center within the North Carolina Commerce Park and the jurisdiction of the City of Mebane as determined by the existing Line of Agreement (LOA) established between the Cities. As such, the City of Mebane will be the lead agency for development reviews, inspections, and the provider of municipal services. Exact acreage of the site will depend on final facility design. Project Sort will be the fourth incentive project in the NCCP and the sixth project overall. Mr. Maness provided a brief overview of the property being considered and the proposed incentive package.

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



The following individuals addressed Council Members, Mr. Kevin Zaletel, UPS Senior Project Manager and Mr. Mac Williams, Alamance Chamber President via the livestream:

Patty Allen	Stephanie Ward-2072 Jimmie Kerr Rd. Graham
Maggie Blunk	Nikki Cassette
Carey Griffin	

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Council Members took turns expressing their appreciation to Mr. Maness, Mr. Williams and staff for their hard work in putting together this incentive package. They all felt that UPS would be a wonderful addition to this community.

Mayor Peterman made a motion to approve the Incentive Agreement for Project Sort with United Parcel Service, Inc. and authorize the Mayor, City Manager, City Attorney, City Clerk and Finance Officer to execute the agreement of behalf of the City. Council Member Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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

Mayor Peterman explained the process by which appointments would be made. 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.

#### ***Appearance Commission – term expires 2021***

Council Member Jennifer Talley requested that an application from Z.W. Clark Baldwin, received by the City Clerk after the agenda packet deadline be allowed to be considered. Following a brief discussion, Mayor Peterman stated that Ms. Baldwin could be considered for appointment to the Appearance Commission.

City Clerk Darcy Sperry read emails received from Appearance Commission Chair Carla Smith and applicant Renee Russell.

The following represents the votes cast by Council Members:

Council Member	Applicant
Mayor Peterman	Renee Russell
Mayor Pro Tem Turner	Renee Russell
Council Member Wiggins	Renee Russell
Council Member Talley	Z.W. Clark Baldwin
Council Member Hall	Z.W. Clark Baldwin

Mayor Peterman made a motion to appoint Renee Russell to the Appearance Commission, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Council Member Wiggins and Mayor Pro Tem Turner. Nays: Council Member Talley and Council Member Hall. Motion carried: 3:2.

***Historical Museum Advisory Board – 1 term expires 2023, 1 term expires 2022, 1 term expires 2021***

The following individual addressed Council Members via the livestream:

Elaine Murrin
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The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Chuck Talley
Mayor Pro Tem Turner	Jennifer Brito
Council Member Wiggins	Beverly Scurry
Council Member Talley	Chuck Talley
Council Member Hall	Chuck Talley

Mayor Peterman made a motion to appoint Chuck Talley to the Historical Museum Advisory Board with a 2023 expiration term, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Talley and Council Member Hall. Nays: Council Member Wiggins. Motion carried: 4:1.

The following represents the votes cast by Council Members for the term expiring in 2022:

Council Member	Applicant
Mayor Peterman	Jennifer Brito
Mayor Pro Tem Turner	Jennifer Brito
Council Member Wiggins	Beverly Scurry
Council Member Talley	Jennifer Brito
Council Member Hall	Jennifer Brito

Mayor Peterman made a motion to appoint Jennifer Brito to the Historical Museum Advisory Board with a 2022 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

The following represents the votes cast by Council Members for the term expiring in 2021:

Council Member	Applicant
Mayor Peterman	Jeanette Beaudry
Mayor Pro Tem Turner	Jeanette Beaudry
Council Member Wiggins	Jeanette Beaudry
Council Member Talley	Jeanette Beaudry
Council Member Hall	Jeanette Beaudry

Mayor Peterman made a motion to appoint Jeanette Beaudry to the Historical Museum Advisory Board with a 2021 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

The following individual addressed Council Members via the livestream:

Carey Griffin
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Mayor Peterman responded to Ms. Griffin's concern for nepotism. He stated that there is no financial gain to Council Member Talley to have voted for her husband. Council Member Wiggins stated that while it is not illegal in local government to nominate your spouse, it is highly unethical in the oaths and ethics that Council Members have taken.

### ***Recreation Commission – term expires 2023***

The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Pat Moser
Mayor Pro Tem Turner	Pat Moser
Council Member Wiggins	Pat Moser
Council Member Talley	Pat Moser
Council Member Hall	Pat Moser

Mayor Peterman made a motion to appoint Pat Moser to the Recreation Commission with a 2023 expiration term, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

### ***Tree Board – term expires 2023***

The following individuals addressed Council Members via the livestream:

Jan Searls-526 E. Pine St. Graham	Carey Griffin
Stephanie Ward	Kait Moore
Carmen Larimore	

Prior to the vote, Mayor Peterman asked Council Member Hall to recuse himself. Council Member Hall asked to be recused.

The following represents the votes cast by Council Members for the term expiring in 2023:

Council Member	Applicant
Mayor Peterman	Judy Hall
Mayor Pro Tem Turner	Judy Hall
Council Member Wiggins	Judy Hall
Council Member Talley	Judy Hall
Council Member Hall	Recused

Mayor Peterman made a motion to appoint Judy Hall to the Tree Board with a 2023 expiration term, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members. Ayes: Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Talley.

Council Member Wiggins asked that the minutes reflect that Mayor Peterman asked Council Member Hall to recuse himself while his wife was up for appointment, but did not ask Council Member Talley to recuse herself when her husband was up for appointment.

### **ALCOVETS Street Closure Request:**

- a. Approve Request from Jennifer Talley and Richard Shevlin on behalf of ALCOVETS to close the 100 Block of East Elm Street from 5:00pm on September 10, 2020 to 5:00pm on September 13, 2020 for the 2020 DockDogs Event*

Mayor Peterman advised that this event has been postponed to next year. He made a motion that this event not be considered until next year, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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

Ms. Janet Ecklebarger of 604 Washington Street Graham joined the livestream and expressed how uncomfortable she was after reading an article in the Washington Post about the confederate monument and how it portrayed Graham.

Ms. Patty Allen of 265 West Shannon Drive Graham joined the livestream and spoke about her frustration with virtual meetings. She also addressed volunteer appointments and taking a chance on new applicants.

Ms. Nikki Cassette joined the livestream and asked Council Member Talley to clarify public remarks about a video showing armed people inside her business outside of normal operating business hours. Mayor Peterman advised Council Member Talley to not respond to that, as that the City is still in litigation. He requested all questions be directed to him. Ms. Cassette asked Mr. Maness if the Police Department or City has followed up on the video.

Ms. Carey Griffin joined the livestream and asked if the video Ms. Cassette referenced is part of the lawsuit. Mayor Peterman stated he did not know if the video is part of the litigation or not.

Mr. Eric Crissman joined the livestream and expressed concern with Council Member Talley not appearing on screen during this meeting. He also expressed concern with the chat feature on Zoom not being visible to the public. Information Technology Systems Manager Jeff Wilson advised that he disabled the chat feature for everyone due to inappropriate comments posted during the Council's first virtual meeting. Mr. Crissman also inquired about the median salary for UPS.

Ms. Elaine Murrin joined the livestream and spoke about including fresh faces on volunteer boards.

Ms. Stephanie Ruiz joined the livestream and expressed concern with Council not addressing the confederate monument.

Ms. Sperry read public comments she received from the following individuals addressing the confederate monument and/or public safety in the City of Graham:

Von Johnson	Amy Cooper
Peter Grant	Bennett Harris

Ms. Sperry also read additional public comments received from Mr. Johnson inquiring about Police patrols in the downtown area and the City's leash law.

Council Member Hall stated that he had received a request to have a three way stop sign at Pomeroy and Water Streets. Mayor Peterman asked staff to have the Police Department look into this.

Mayor Peterman advised that the Fire Department is participating in training at the Burlington training facility.

At 8:13 p.m., Council Member Talley lost connection to the meeting.

At 8:16 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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Darcy Sperry, City Clerk

**CITY OF GRAHAM  
VIRTUAL SESSION  
TUESDAY, SEPTEMBER 8, 2020  
6:00 P.M.**

The City Council of the City of Graham met in virtual session at 6:00 p.m. on Tuesday, September 8, 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 6:16 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Consent Agenda:**

- a. Approve Minutes – August 11, 2020 Regular Session (Virtual)*
- b. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
SEPTEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
608275	18-19	CRESO CAPITAL INC	BPP HAD NOT BEEN DEPRECIATED	131.57
678740	2020	MIXON, MITCHELL ALEXANDER	DID NOT OWN JAN 1	19.46
692162	2020	OLIVER, GORDON	BILLED TO NEW OWNER PER PARK OPERATOR	53.24
679190	2020	CARROLL, DEBRA F	QUALIFIED FOR HOMESTEAD EXEMPTION	\$368.42
556168	2020	TAYLOR, BOBBY	QUALIFIED FOR DISABLED VETERANS EXCLUSION	\$204.75

- c. Approve Resolution Setting Deadline for Agenda Packet Items*

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH  
CAROLINA TO ADOPT A DEADLINE FOR ITEMS TO BE PLACED IN THE  
AGENDA PACKET FOR THE REGULAR MONTHLY MEETING**

**WHEREAS**, in 2016, City Council directed staff to establish a deadline for items to be included in the City Council agenda packet; and

**WHEREAS**, staff established an informal deadline of the Wednesday prior to the City Council's regularly scheduled monthly meeting; and

**WHEREAS**, timely submission of information will afford accurate preparation of materials;

**NOW THEREFORE, BE IT RESOLVED**, that the City Council of the City of Graham hereby adopts, by way of this resolution, a deadline for submission of agenda items of 5:00pm on the Tuesday before the regularly scheduled monthly meeting of the City Council of the City of Graham, North Carolina.

ADOPTED this the Eighth day of September, 2020.

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

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

Concerning item "c", Council Member Talley questioned the process for placing items on the agenda. Council Member Hall made a motion to approve item "c" on the Consent Agenda, seconded by Council Member Talley. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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

- a. **Public Hearing:** AN2003 1455 East Harden Street. Annexation Ordinance for Voluntary Contiguous Annexation for 6.37 acres located at 1455 East Harden Street (GPIN 8893072659)*

Assistant City Manager Aaron Holland explained that the petitioner seeks Council approval for an extension of the corporate limits to include the subject property. He added that water is available at this location, and the applicant wishes to tie onto the City water lines. 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 1455 East Harden Street, 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 1455 E HARDEN STREET (AN2003)

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 September 8, 2020, after due notice by publication on August 20, 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 September 30, 2020:

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 2.** Upon and after September 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 8<sup>th</sup> day of September, 2020.

**b. Public Hearing: Riley's Meadow (GPIN 8893856817 & 8893762882)**

**i. AN2002 Riley's Meadow. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 77 acres located on Jim Minor Road**



Mr. Holland explained that this is a request to extend the corporate limits of the City of Graham, North Carolina, for two lots off Jim Minor Road. He added the 77 +/- acre area being considered for annexation is noncontiguous. While sewer is near 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. Staff recommends approval.

Council Member Talley asked Planning Director Nathan Page to go through the list of conditions the Planning Board recommended. Mr. Page advised that conditions cannot be placed on annexations and that the list she was referring to was for the zoning request that will be presented to Council if annexation is approved.

With no further questions forthcoming, Mayor Peterman opened the Public Hearing. The following individuals addressed Council Members via the livestream:

Patty Allen-265 W. Shannon Dr. Graham	Kim Minter-1906 Jimmie Kerr Rd. Haw River
Tony Tate-5011 Southpark Dr. Ste. 200 Durham	Michael White
Eric Crissman-208 Albright Ave. Graham	Brent Gonet-2033 Atlas Dr. Haw River

Mayor Peterman closed the Public Hearing. Council Member Talley asked staff about fire ratings, fire radius, school capacity, City services and police services. Council Member Wiggins inquired about what the developer could do with this property should annexation not be approved.

With no further comments forthcoming, Council Member Wiggins made a motion to approve the Annexation Ordinance to Extend the Corporate Limits of the City of Graham, North Carolina, for two lots, making up approximately 77 acres off Jim Minor Road, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***ii. CR2002 Riley's Meadow. Application by Tony Tate for initiation of zoning for 77 acres off Jim Minor Road***

Mr. Page explained this is a request to initiate zoning upon the subject property as Conditional Residential. The proposed use of the property is for 393 dwelling units, with a mixture of townhomes and single-family detached units. He added that while the site is within the identified NCCP, the location of the park and the existing residential density on Atlas Drive suggest that this location may be better served by residences than an industrial complex. Mr. Page further explained that open space has been provided internal to the site, as well as to protect the wetlands and streams upon the site. This development is across the street from the Graham Regional Park, which has recently opened the second phase. Staff recommends approval. Mr. Page presented a video submitted by the developer.

Council Member Talley advised that she has heard push back from the realtors heard in the video. She expressed concern with density, setbacks, fire safety, open space, water runoff, building materials and traffic impact. Following a brief discussion between Council Member Wiggins and Mr. Page about Technical Review Committee's role in development, Mayor Peterman opened the Public Hearing.

The following individuals addressed Council Members via the livestream:

Patty Allen-265 W. Shannon Dr. Graham	Kim Minter-1906 Jimmie Kerr Rd. Haw River
Janell Woody-2065 Atlas Dr. Haw River	Angela Willis-1408 N. Jim Minor Rd. Haw River
Andrew Cagle-1322 N. Jim Minor Rd. Haw River	Brent Gonet-2033 Atlas Dr. Haw River
Don Freeman-2025 Atlas Dr. Haw River	Tony Tate-2011 Southpark Dr. Ste. 200 Durham
Scott Gollnick-2001 Atlas Dr. Haw River	

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

Council Member Talley asked Mr. Tate about home price point, school and traffic impact studies and building materials, open space and additional storage units. She asked Mayor Peterman about fire safety. Mayor Pro Tem Turner asked about turn lanes and street maintenance. Mayor Peterman stated that he believes this property has to come with density for the City not to lose money. Staff encouraged Council to use The 2035 Graham Comprehensive Plan to fend off any potential lawsuits. Mayor Peterman asked Mr. Tate if amenities could be included in phase I of the development. Mr. Tate stated that they could be put in within the first 12 months. Council Member Hall inquired about off street parking. City Clerk Darcy Sperry read a public comment she received via email from Stephanie Wood.

With no further questions forthcoming, Council Member Wiggins made a motion that the application be approved with the following conditions:

- A minimum of 5-foot setbacks
- The pool and cabana would be completed with the first phase;

Council Member Wiggins added the application is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: Rezoning the property would be in consistence with Policy 3.2.4, 5.2.1, and Strategy 4.3.1 of The Graham 2035 Comprehensive Plan. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

***c. S2002 Riley's Meadow. Application by Tony Tate for subdivision for 77 acres off Jim Minor Road***

Mr. Page stated that approval of this request is a formality, as this meets the standard of the conditional zoning just approved. He explained this is a request to subdivide the approximately 77 acres of the subject property for approximately 400 residential lots. The properties are across the road from the Graham Regional Park.

With no comments forthcoming, Council Member Talley made a motion to deny, seconded by Council Member Hall. Mayor Peterman polled the Council Members. Ayes: Council Member Talley and Council Member Hall. Nays: Mayor Peterman, Mayor Pro Tem Turner and Council Member Wiggins. Motion failed 2:3.

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 reasons: Allowing a subdivision in this location removes households from the potential hard from floodways (Policy 4.3.1), and protects greenspace (3.2.1) and promotes a greenway trail system (4.2.1). Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion carried 3:2.

- d. **Public Hearing: Cherry Creek (GPIN 8893465385, 8893762882, 8893587021, 8893682433 & 8893585808)***
- i. **AN2004 Cherry Creek. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 21.619 acres located on Sugar Ridge Road and Jimmie Kerr Road***
  - 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***
- e. **S2004 Cherry Creek. Application by Tony Tate for subdivision for 70 (+/-) acres off Sugar Ridge Road and Jimmie Kerr Road***

Mr. Holland advised that the City had received notification by Mr. Tate asking that items “d” and “e” be postponed for one month.

Council Member Wiggins made a motion to postpone this for one month, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman called for a 15-minute recess.

- f. **Public Hearing: Text Amendments***
- i. **AM2003 Multifamily Setbacks. Request by Dennis Euliss to reduce the triangle setbacks for multifamily structures***

Mr. Page explained that Dennis Euliss has applied for an amendment to our Development Ordinance to change the spacing calculations for multifamily developments. Mr. Page briefly explained how calculations are currently done. Mr. Page added that Mr. Euliss proposes that in addition to the 25-foot setback from exterior property lines, all multifamily structures shall be no less than 25 feet from other dwelling structures and no closer than five feet to accessory structures.

Following a brief discussion between Council Members and staff, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing.

Council Members agreed that amending this language would help with fire fall, and the need to update some of our older Ordinances. Council Member Hall made a motion that the text amendment be approved with the following language:

- Section 10.247 Building Spacing Requirements for Multifamily Residential Buildings (Townhouses, Condominiums and Apartments)
- In addition to the 25 foot setback from exterior property lines, all multifamily structures shall be no less than 25 feet from other dwelling structures, not to be less than three-quarters of the height, and no closer than 5 feet to accessory structures (e.g. garages, clubhouses, etc.)

Council Member Hall added the text amendment is consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reason: That it is public safety of our firefighters. Mayor Pro Tem Turner seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

***ii. AM2004 Residential Setbacks. Request by Mike Campbell to reduce the rear yard setbacks for residential lots***

Mr. Page explained that this request is for an amendment to our Development Ordinance to reduce the rear yard setback from 20 feet to 15 feet.

Council Members and staff briefly discussed the Planning Board's suggestion that the applicant apply for a variance. Mr. Page referred to the definition of a variance and advised that in this particular case, a variance should not be granted.

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

The following individual addressed Council Members via the livestream:

Patty Allen-265 W. Shannon Dr. Graham

With no further comments forthcoming, Mayor Peterman closed the Public Hearing. Council Members continued their discussion about setbacks, variances and the fact that Council had lowered the setback to 20 feet approximately a year ago. Council Members expressed concern for changing ordinances to suit one property owner while Mr. Maness advised that many of our ordinances are antiquated and need a comprehensive look.

Council Member Talley made a motion that the text amendment be denied, the text amendment is not fully consistent with The Graham 2035 Comprehensive Plan and this action is reasonable and in the public interest for the following reasons: It is not reasonable to change the setback at this time. We just changed the setback last year and do not believe we need to do it again. Council Member Hall seconded the motion. Ayes: Council Member Talley, Council Member Hall and Mayor Peterman. Nays: Mayor Pro Tem Turner and Council Member Wiggins. Motion carried 3:2.

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

***a. Request by Travis Laughlin to close the 100 block of West Elm Street from 10 a.m. – 5 p.m. on Saturday, October 3, 2020 for a block party celebrating the life & legacy of Wyatt Outlaw***

Downtown Development Coordinator Mary Faucette explained this request is being made to coincide with a celebration planned to take place in both Sesquicentennial Park and the 100 block of West Elm Street. Mr. Laughlin along with Alamance Arts, Down Home Alamance and others are coordinating a family-friendly block party activating visual and performing arts to uplift the story and lasting impact

of the life of Wyatt Outlaw. Mrs. Faucette spoke about the Covid-19 restrictions the State is under and recommends postponement of this event.

Council Members expressed concern with the restrictions we are currently under, with Mayor Peterman and Council Member Wiggins saying they hope that when this event does take place, it will attract 1,000 people or more.

With no further discussion forthcoming, Mr. Laughlin joined the livestream. Mr. Laughlin stated that he understands we are all facing the Covid challenge. He told Council that he is looking forward to bringing this event to Graham at some point in the future. Mr. Laughlin thanked Mrs. Faucette for her time and transparency throughout this process.

Mayor Peterman made a motion to ask the organizers of this event to postpone this event until a time when it will fit in the government's guidelines, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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

Mr. Anthony Pierce of 2009 Atlas Drive Haw River asked for assistance in getting the road closed at North Jim Minor Road and Kimrey Road re-opened. Mayor Peterman asked staff to reach out to NCDOT.

Mr. Jeff Leimberger of 213 North Melville Street Graham asked that the City's Covid-19 information on the website be updated.

Council Member Talley expressed concern about City Hall still being closed to the public during this pandemic. Mr. Maness advised that all City offices are still running without interruption and the City is doing everything in their power to mitigate the spread of Covid-19.

At 10:10 p.m., Council Member Hall made a motion to adjourn, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

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Darcy Sperry, City Clerk

**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

**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:**

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. 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*

CITY OF GRAHAM				
RELEASE ACCOUNTS				
NOVEMBER				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
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 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*

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE**  
**A PETITION RECEIVED UNDER G.S. 160A-58**  
**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  
PURSUANT TO G.S. 160A-58 FOR A 70 ACRE LOT ON SUGAR RIDGE AND JIMMIE KERR ROADS (AN2004)**

**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, 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 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 24°25'41" West, 130.25 feet to a computed point; thence,

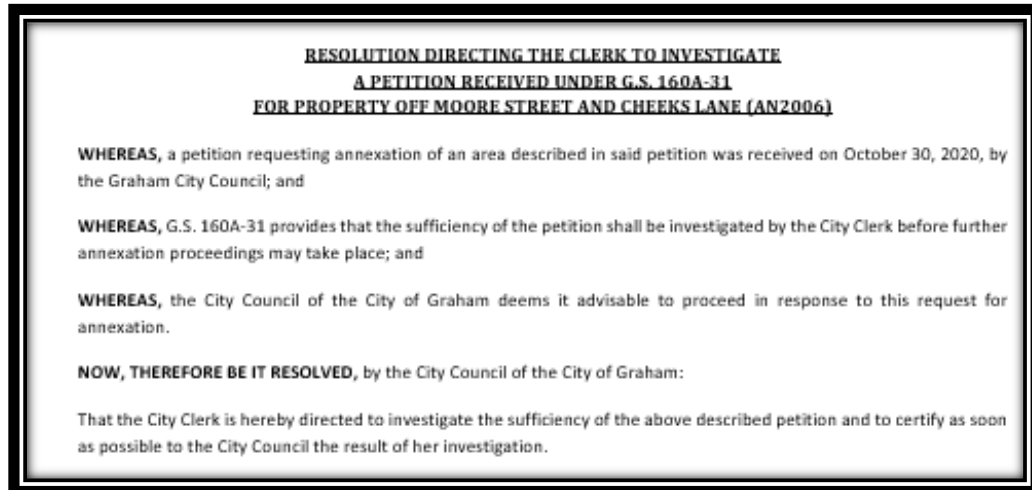
Thence, leaving the approximate centerline of creek, North 32°40'57" West, 251.96 feet to an existing iron pipe;  
 Thence, South 60°08'43" West, 761.62 feet to an existing iron pipe;  
 Thence, North 8°47'07" West, 112.23 feet to an existing iron pipe;  
 Thence, South 67°56'49" West, 319.28 feet to 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 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 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 10<sup>th</sup> 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*





**RESOLUTION FIXING DATE OF DECEMBER 8, 2020 FOR A PUBLIC HEARING ON QUESTION OF ANNEXATION  
PURSUANT TO G.S. 160A-31 FOR A 41.81 ACRE LOT OFF MOORE STREET AND CHEEKS LANE (AN2006)**

**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 December 8, 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:

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 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 10<sup>th</sup> day of November, 2020.**

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

### CAPITAL PROJECT ORDINANCE OLD FIELDS OUTFALL

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA**, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the 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 within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.
- Section 3. The following revenues are anticipated to be available to the City to complete the project:

Proceeds from Retained Earnings	\$1,355,000
Proceeds from KG Plaza, LLC Agreement	\$800,000
Proceeds from Water/Sewer Capital Reserve	\$800,000
<b>TOTAL</b>	<u>2,955,000</u>

- Section 4. The following amounts are appropriated for this project:

Professional Services	\$150,000
Easements	20,000
Phase 1 Construction	\$1,585,000
Phase 2 Construction	\$1,200,000
<b>TOTAL</b>	<u>2,955,000</u>

- Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.
- Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.
- Section 7. That this project is the outfall bypass option included in the "Pump Station Upgrades" capital project found within the Resolution Establishing a Water and Sewer Capital 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*

### A Resolution Conveying to Chief Jeff Prichard His Badge and Service Sidearm

**WHEREAS**, Chief Jeff Prichard diligently served the City of Graham Police Department from 1995 until 2020; and

**WHEREAS**, Jeff is retiring from law enforcement with 30 years of creditable service in law enforcement; and

**WHEREAS**, his wisdom, care, and leadership has commanded the utmost respect from his colleagues and peers; and

**WHEREAS**, G.S. 20-187.2 provides that retiring members of municipal law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service with the municipality; and

**WHEREAS**, G.S. 20-187.2 further provides that the governing body of the municipal law enforcement agency may, in its discretion, award to a retiring member the service sidearm of such retiring member; and

**WHEREAS**, it is the desire of the City Council to extend their deepest appreciation to Jeff for the excellent time and service he has afforded the citizens of Graham and his fellow employees.

**NOW, THEREFORE, BE IT RESOLVED** by The City Council of the City of Graham, North Carolina that: Chief Jeff Prichard be commended for his outstanding public service to the City of Graham.

**BE IT FURTHER RESOLVED THAT:** The City Manager or his designee is hereby authorized in accordance with the provisions of G.S. 20-187.2 to transfer to Jeff Prichard the badge worn by him during his service with the Graham Police Department and his service sidearm, a Glock .45 caliber, Model 21, Serial Number BLUW366 (Asset # 2777).

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 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 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 10th day of November, 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. Public Hearing: 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.

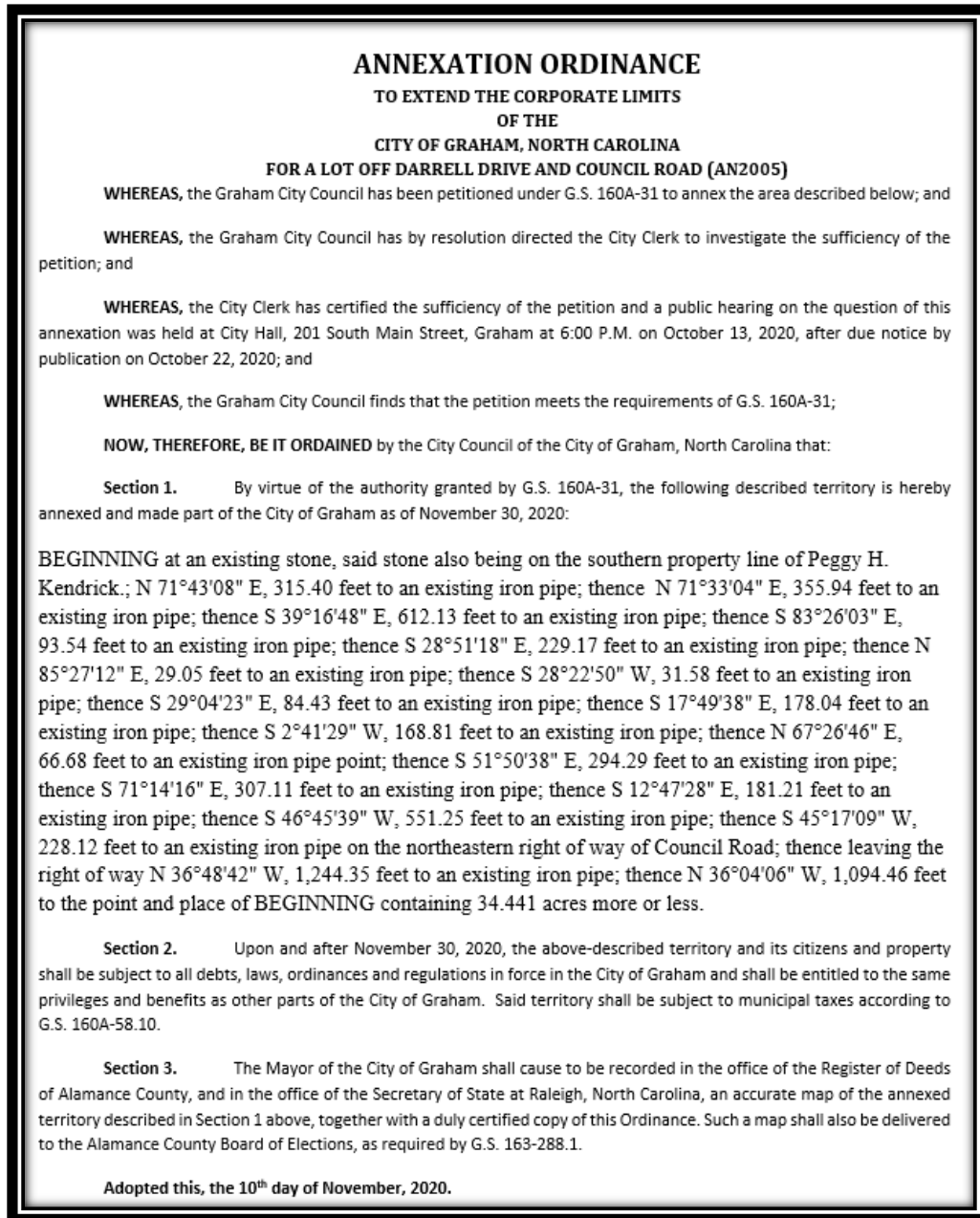
The following individuals joined the livestream to speak about items not on the agenda:

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
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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. **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***

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.

The following represents the nominations made by Council Members:

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

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.

The following represents the nominations made by Council Members:

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

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.

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Darcy Sperry, City Clerk



**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

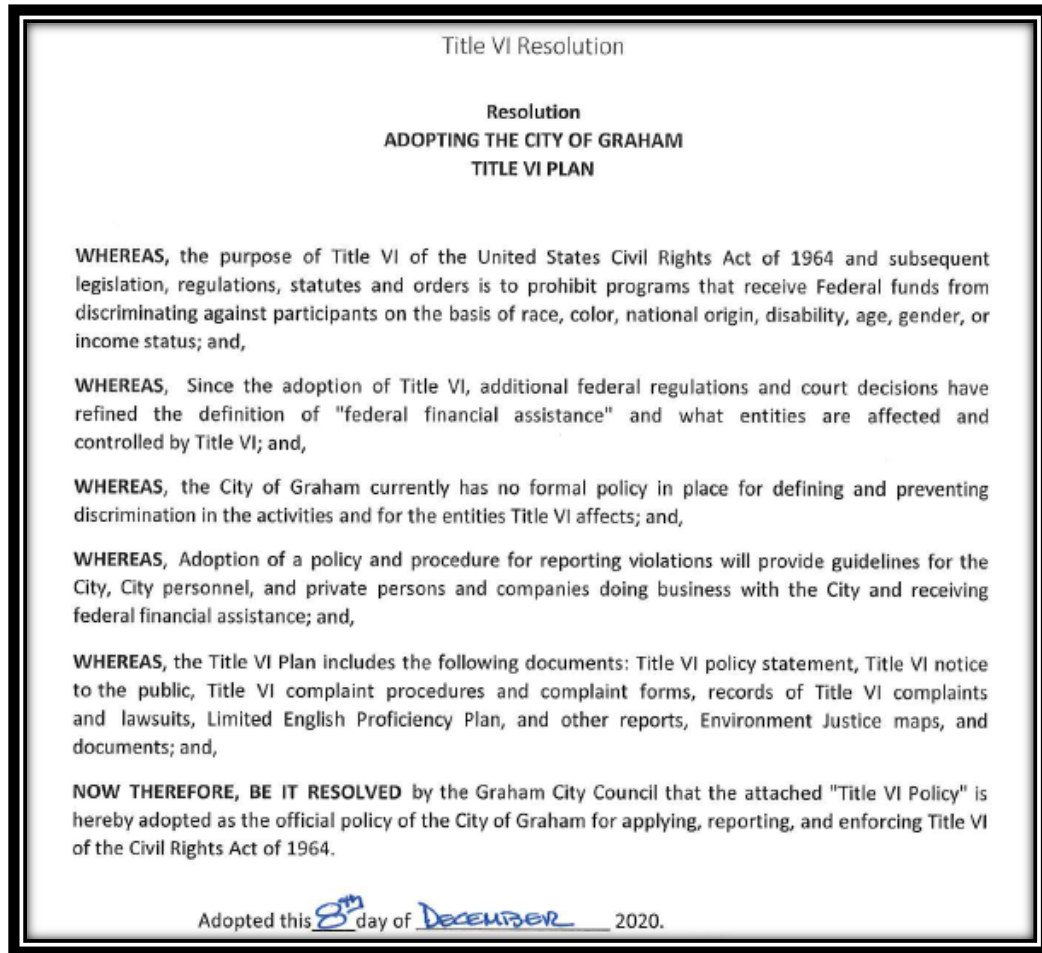
Mayor Jerry Peterman called the meeting to order and presided at 6:06 p.m. Mayor Peterman gave the invocation and everyone stood to recite the Pledge of Allegiance.

**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 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 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 8<sup>th</sup> 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 8<sup>th</sup> 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.

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Darcy Sperry, City Clerk