

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, FEBRUARY 9, 2021
6:00 P.M.**

The City Council of the City of Graham met in virtual regular session at 6:00 p.m. on Tuesday, February 9, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. 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
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 Pro Tem Chip Turner gave the invocation and everyone stood to recite the Pledge of Allegiance.

Consent Agenda:

- a. Approve Minutes – January 12, 2021 Regular Session (Virtual)*
- b. Approve Minutes – January 27, 2021 Special Session*
- c. Approve Tax Refund*

CITY OF GRAHAM REFUNDS				
FEBRUARY				
<u>ACCT #</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR REFUND</u>	<u>REFUND AMOUNT</u>
665934	2020	BLANKS, SALLYE	QUALIFIED FOR HOMESTEAD EXEMPTION	316.95


- 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 2, 2021

	TOTAL PROPERTY VALUATION	RATE	AMOUNT OF LEVY
TAX LEVY - CITY WIDE	1,122,006,096	0.455%	5,105,129.06
<u>DISCOVERIES:</u>			
CURRENT YEAR & PRIOR YEARS WITH VARIOUS TAX RATES	39,194,086		178,333.09
<u>ANNEXATIONS:</u>	317,812		1,446.04
<u>ABATEMENTS:</u>	(823,654)		(3,747.62)
<hr/>			
CURRENT LEVY	1,160,694,340		5,281,160.57
OUTSTANDING REAL PROPERTY TAXES:			243,062.98
OUTSTANDING PERSONAL PROPERTY TAXES:			<u>74,443.44</u>
TOTAL OUTSTANDING TAXES			317,506.42
CURRENT YEAR TAXES COLLECTED:			4,963,654.15
TO DATE, THE PERCENT OF CURRENT YEAR COLLECTED:			93.99%

I REQUEST THAT THE DATE BE SET FOR LIEN ADVERTISEMENT ON MARCH 18, 2021 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. *Authorize the City Manager to enter into a Lease Agreement with Carolina Property Holdings for the joint use of the alleyway located at 200 North Main Street*
- f. *Approve Ordinance Amendment to CHAPTER 20, TRAFFIC AND VEHICLES, ARTICLE V, STANDING, STOPPING AND PARKING of the Code of Ordinances to require the location of the Downtown Residential Parking Permit be placed on rear windshield and establish a \$20 annual permit fee, and update the Rates & Fee Schedule accordingly*
- g. *Approve Initial Project Budget for the WWTP Upgrades and Expansion Project*

**CAPITAL PROJECT ORDINANCE
WWTP UPGRADES AND EXPANSION**

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 WWTP Upgrades and Expansion.
- 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	\$615,000
Proceeds from ASADRA State Loan	\$3,200,000
TOTAL	\$3,815,000

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

Professional Services	\$3,200,000
Loan Fees	\$615,000
TOTAL	\$3,815,000

- 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. This ordinance shall take effect upon passage.

This the 9th day of February, 2021.

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”.

Mayor Pro Tem Turner made a motion to approve items “a”, “b”, “c”, “d”, “f” and “g” 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 “b”, Council Member Talley asked for more information. Downtown Development Coordinator Mary Faucette explained the request. Following a brief discussion between Council Members and staff about this request, Mayor Peterman asked staff to look into other opportunities for similar projects in the downtown area. With no further discussion forthcoming, Council Member Melody Wiggins made a motion to authorize the City Manager to enter into a Lease Agreement with Carolina Property Holdings for the joint use of the alleyway located at 200 North Main Street, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- a. ***Public Hearing: AN2007 Middlefield Towns. Annexation Ordinance for Voluntary Non-Contiguous Annexation for 5.5 (+/-) acre lot located at 2048 South Main Street (GPIN 8882397172)***

Interim City Manager Aaron Holland explained that the 5.5 +/- acre area being considered for annexation is noncontiguous, with water and sewer available via South Main Street. He 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 about mud and construction concerns brought to the Council's attention, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing. Mayor Pro Tem Turner made a motion to approve the Annexation Ordinance to Extend the Corporate limits of the City of Graham, North Carolina for the property located at 2048 South Main Street. Mayor Peterman polled the Council Members and all voted in favor of the motion.

<p>ANNEXATION ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF GRAHAM, NORTH CAROLINA FOR 2048 S MAIN STREET (AN2007)</p> <p>WHEREAS, the Graham City Council has been petitioned under G.S. 160A-58 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>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 February 9, 2021, after due notice by publication on January 28, 2021; and</p> <p>WHEREAS, the Graham City Council finds that the petition meets the requirements of G.S. 160A-58;</p> <p>NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Graham, North Carolina that:</p> <p>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 February 28, 2021:</p> <p>BEGINNING at a control point located at the NW corner of the property on the eastern right-of-way of NC Highway 87, NC Grid Coordinates N 829,321.87' E 1,883,652.82'; thence along the northern property line S 63°04'47" E a distance of 308.97 feet; thence S 44°07'25" E a distance of 135.17 feet to the northeast corner of the property; thence along the traverse line of a creek, said creek being the eastern property line, S 27°00'35" W a distance of 2.22 feet; thence S 08°20'14" W a distance of 52.23 feet; thence S 26°24'10" E a distance of 25.44 feet; thence S 07°44'10" W a distance of 77.94 feet; thence S 05°18'54" W a distance of 62.38 feet; thence S 26°51'31" E a distance of 53.03 feet; thence S 02°15'06" E a distance of 123.04 feet; thence S 01°45'29" W a distance of 17.22 feet to the southeast corner of the property; thence along the southern property line N 80°28'54" W a distance of 309.98 feet; thence N 80°27'41" W a distance of 259.77 feet to the southwest corner of the property on the eastern right-of-way of NC Highway 87; thence along the said right-of-way N 12°01'33" E a distance of 100.00 feet; thence N 17°21'39" E a distance of 99.66'; thence N 19°20'47" E a distance of 94.42 feet; thence N 19°56'25" E a distance of 280.67 feet to the POINT AND PLACE OF BEGINNING, containing 5.57 acres according to a map by B. L. Scott L and Surveying entitled "Annexation Plat for Slippery Elm Properties LLC", dated December 7, 2020. Being all the same property located in the City of Graham recorded at the Alamance County Register of Deeds at Plat Book _____, Page _____.</p> <p>Section 2. Upon and after February 28, 2021, 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>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.</p> <p>Adopted this, the 9th day of February, 2021.</p>
--

b. Amendment to CHAPTER 20, ARTICLE V, PARADES, DEMONSTRATIONS AND STREET EVENTS of the Code of Ordinances

Mayor Peterman suggested moving this ordinance amendment to a second reading, due to Council Members receiving the most recent copy of the proposed ordinance amendments earlier in the day and not having enough time to review them before this meeting. Council Member Hall made a motion to move to a second reading, 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. Public Hearing: RZ2010 Riverbend Business. Request by G. Travers Webb III to rezone a portion of the property located on East Harden Street from R-MF (Multi-Family Residential) to B-2 (General Business) (GPIN 8884721949)***
- b. Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on (GPIN 8894453334)***

Planning Director Nathan Page advised that the applicant had requested that items “a” and “b” be tabled until next month. Mayor Peterman made a motion to table items “a” and “b” to next month, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

- c. Public Hearing: AM2005 R-7 Setbacks. Request by Nathan Page to reduce the setbacks for R-7 front and side yards (Development Ordinance Section 10.245 Table of area, height and yard regulations)***

Mr. Page explained that staff has applied for an amendment to our Development Ordinance to reduce the front yard setback to 15 feet, as well as the side yard setback to 5 feet for the R-7 Zoning District. After a brief review of when the current setback was established, he advised that staff believes that a 15 foot front yard setback would be sufficient for all city required infrastructure.

Council Members and staff briefly discussed the effects of changing the setback from 30 feet to the proposed 15 feet, before Council Member Talley suggesting it go to 20 feet. Following the discussion, Mayor Peterman opened the Public Hearing. With no comments forthcoming, he closed the Public Hearing. Council Member Talley made a motion that the text be approved with a 20 feet setback, 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: It complies with Policy 2.3.1, 4.3.1 of The 2035 Comprehensive Plan. Council Member Hall seconded the motion and Mayor Peterman polled the Council Members. Ayes: Council Member Talley, Council Member Hall and Mayor Peterman. Nays: Mayor Pro Tem Turner and Council Member Wiggins. Motion carried 3:2.

First Reading: Ordinance Repealing CHAPTER 10, CEMETERIES and Adding a Revised CHAPTER 10, CEMETERIES to the Code of Ordinances

City Manager Frankie Maness explained that the City owns and operates two public cemeteries, Graham Memorial Park and Linwood Cemetery.

The City also manages a perpetual care fund as a nonexpendable trust. He added that both the cemeteries and the trust fund are regulated by Chapter 10 of our Code of Ordinances. Currently, Graham Memorial Park is the only cemetery where new grave sales are taking place and availability is very limited for non-resident sales. Mr. Maness reviewed the proposed replacement ordinance highlights:

- Removes the misleading term of “Cemetery Deed” and replaces it with “Grave Certificate”
- Better accommodates the uptick in requests for cremation graves
- Prepares the regulations for the future introduction of columbariums or mausoleums
- Allows subsequent interment of cremated remains in a conventional burial
- Establishes regulations for abandoned unused graves
- Provides for sale of graves in Linwood Cemetery
- Provides hundreds of new graves available to both residents and non-residents

Following a discussion between Council Members and staff, which included resident identification and cemetery surveys, Council Member Wiggins made a motion to approve the Ordinance Repealing Chapter 10 and adding a Revised Chapter 10, to the Code of Ordinances of the City Of Graham, North Carolina for Cemeteries. Council Member Hall 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.

Sesquicentennial Park Discussion

This agenda item was a suggestion Council received at their January 12, 2021 meeting where Mr. Barrett Brown asked Council to consider changing the name of the Sesquicentennial Park to Wyatt Outlaw Park. Mayor Peterman asked staff if we had received any public comments concerning this agenda item. City Clerk Darcy Sperry read emails she received from the following individuals:

Judy Lindley-1906 Springmeadow Dr. Graham	Amy Jackson – Elon
Amanda Baker-Graham	Carol Cachafeiro
Aprille Aguilar-6010 Church Rd. Graham	Morgan Siem-2001 E. Greensboro Chapel Hill Rd. Graham
Faith Patterson-722 E. Greensboro Chapel Hill Rd. Snow Camp	K. Moore
Nathan Griffin-313 Providence Rd. Graham	Maryanne Wilson
Katie Nunn-Graham	Kristofer Loy
Amy Cooper-Alamance County	Heather Bryce – Graham
Ernest Lewis	Woody Weaver
Sarah Vincent-Alamance County	Travis Laughlin-Guilford County
Kellie Kimbrough-Alamance County	Dreama Caldwell-314 Field St. Graham
Debbie Smith-434 Williamson St. Burlington	Louisa Sholar-Burlington
Clifton Carter	

Council Member Jennifer Talley handed Mayor Peterman a letter she had received from Louise Wilson of Graham.

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

Carey Griffin

Mayor Peterman read Ms. Wilson's letter aloud.

Following a discussion between Council Members, where all discussed their own ideas and wishes for this park, it was determined that the park would retain the Sesquicentennial Park name. Mayor Peterman stated that he would contact Mr. Brown and urge him to do what was done in 1999, when the Sesquicentennial Park was dedicated – find a location, raise funds and place a memorial to commemorate the life of Wyatt Outlaw there.

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

Mr. Reece Black of People for Change NC joined the livestream and stated that Sesquicentennial Park will always be known as Wyatt Outlaw Park to him.

Mr. Patrick Miller of 611 East Harden Street Graham joined the livestream and asked the City Council to consider a variation to the Food Truck Ordinance on next month's agenda. Mayor Peterman asked him to contact City Hall and speak to staff about his proposed changes.

Ms. Kait (no last name given) joined the livestream and expressed concern with the park discussion. She suggested that a plaque honoring Wyatt Outlaw be placed there.

Mr. Tom Boney of the Alamance News joined the livestream to express concern that the Council Members were all present in the Council Chambers, but the public was not present. Mayor Peterman advised that his concerns would be looked into.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (6): To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee

At 7:55 p.m., Mayor Peterman made a motion to go into closed session with Mr. Maness and Mr. Holland, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

At 8:16 p.m., Mayor Pro Tem Turner made a motion to reconvene the virtual regular meeting, seconded by Council Member Hall. All voted in favor of the motion.

Mayor Peterman advised that they discussed Mr. Holland's compensation as Interim City Manager. Mayor Peterman made a motion to increase Mr. Holland's salary to \$120,000 per year, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman polled staff and Council for any additional issues they wished to address.

Mr. Page provided an update he received from NCDOT regarding the speed limit on Jimmie Kerr Road.

Mr. Holland, Ms. Sperry and City Attorney Bryan Coleman publicly thanked Mr. Maness for all he has done for the City and for them personally.

Council Member Talley thanked Mr. Maness and thanked Mr. Holland for his willingness to step up as the Interim City Manager.

Council Member Wiggins thanked Mr. Maness for all he did for her as a City of Graham employee and now Council Member, calling him one of the best she has come across in her 35 years of working in local government.

Council Member Hall thanked Mr. Maness for his diligence to the City of Graham.

Mayor Pro Tem Turner thanked Mr. Maness and hopes that God blesses him and his family in Montgomery County.

Mayor Peterman stated that he has one son and a half of a son here who is leaving, and thanked Mr. Maness.

At 8:22 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Darcy Sperry, City Clerk