

**CITY OF GRAHAM
REGULAR SESSION
TUESDAY, APRIL 13, 2021
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, April 13, 2021, in the Council Chambers of the Municipal Building located at 201 South Main Street. Due to the Covid-19 Pandemic gathering restrictions, the public was provided information on how to participate 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

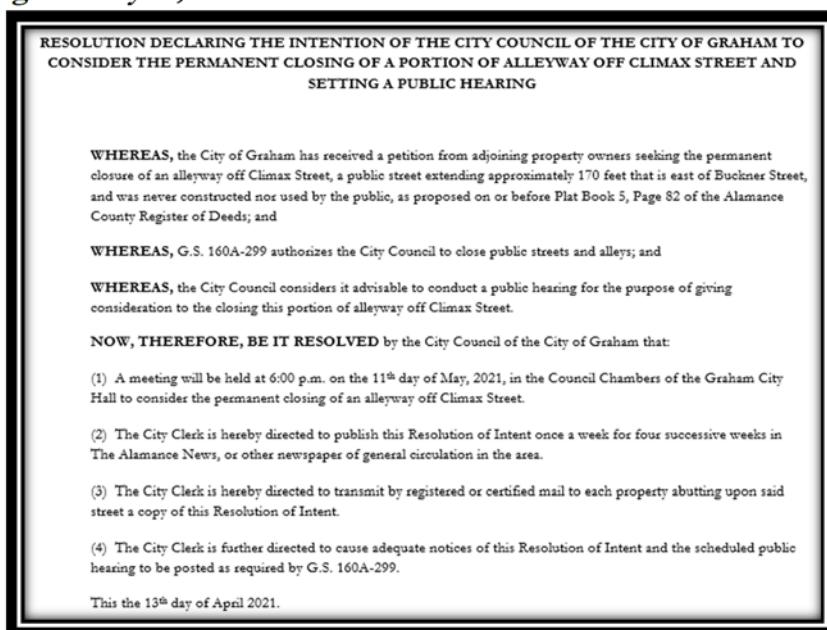
Staff Present:

Aaron Holland, Interim City Manager
Bryan Coleman, City Attorney
Nathan Page, Planning Director
Jeff Wilson, IT Systems Manager
Mary Faucette, Downtown Development Coordinator
Brian Faucette, Recreation & Parks Director

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 – March 4, 2021 Special Session (Virtual)*
- b. Approve Minutes – March 9, 2021 Regular Session (Virtual)*
- c. Approve Resolution Declaring the Intention of the City Council of the City of Graham to Consider the Permanent Closing of a Portion of Alleyway off Climax Street and Setting a Public Hearing for May 11, 2021*



- d. *Adopt Master Plan for Graham Recreation and Parks Department Master Plan*
 e. *Annexation Ordinance fixing clerical error for Voluntary non-contiguous Annexation for 70 +/- acre lot located off Jimmie Kerr Road (GPIN 8893465385, 8893762882, 8893587021, 8893682433, 8893585808) (AN2004)*

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| <p>Corrected 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)</p> <p>WHEREAS, the Graham City Council received a petition pursuant to G.S. 160A-58 to annex the area described below; and</p> <p>WHEREAS, the Graham City Council by resolution directed the City Clerk to investigate the sufficiency of the petition; and</p> <p>WHEREAS, the City Clerk 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</p> <p>WHEREAS, the annexation ordinance to extend corporate limits of the City of Graham, North Carolina, for five lots on Sugar Ridge and Jimmie Kerr Road (AN2004) was recorded in the Alamance County Registry on December 16, 2020 in Record Book 4094, Pages 629-631; and</p> <p>WHEREAS, the legal description set forth in said recorded annexation ordinance contained an error and did not match the Surveyor's sealed Corporates Limits Extension Plat, which was recorded in the Alamance County Registry on December 16, 2020, Plat Book 81, Pages 391-393. A revised legal description has been set out below in order to correct the previous error and provide the proper information to the public; and</p> <p>WHEREAS, the Graham City Council found that the petition met 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 was annexed and made part of the City of Graham as of December 31, 2020:</p> <p>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:</p> <p>Along the southern right of way of Cherry Lane, North 83°08'34" East, 399.98 feet to a pinched top existing iron pipe;</p> <p>Thence, on a curve with a radius of 2848.41', an arc length of 255.15 feet, having a chord bearing of North 80°42'47" East, and a chord distance of 255.06 feet to an existing iron pipe;</p> <p>Thence, leaving the southern right of way of Cherry Lane, South 9°40'08" East, 1,683.80 feet to an existing iron pipe;</p> <p>Thence, South 88°51'32" West, 556.97 feet to a pinched top existing iron pipe;</p> <p>Thence, South 87°25'33" West, 26.34 feet to a computed point on approximately the centerline of Mills Creek;</p> <p>Thence, following the approximate centerline of said creek and making the following calls:</p> <ul style="list-style-type: none"> -Thence, 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; |
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- 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" West, 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, 57.81 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 43°55'34" West, 61.58 feet to a computed point;
- Thence, South 67°14'46" West, 106.78 feet to a computed point;
- Thence, South 53°00'30" West, 96.90 feet to a computed point;
- Thence, South 61°48'38" West, 13.52 feet to a computed point;

Thence, leaving the approximate centerline of Mills 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°40'57" West, 17.28 feet to an existing iron pipe;

Thence, North 70°52'15" East, 790.00 feet to an existing iron pipe;

Thence, North 46°02'32" East, 251.21 feet to an existing iron pipe;

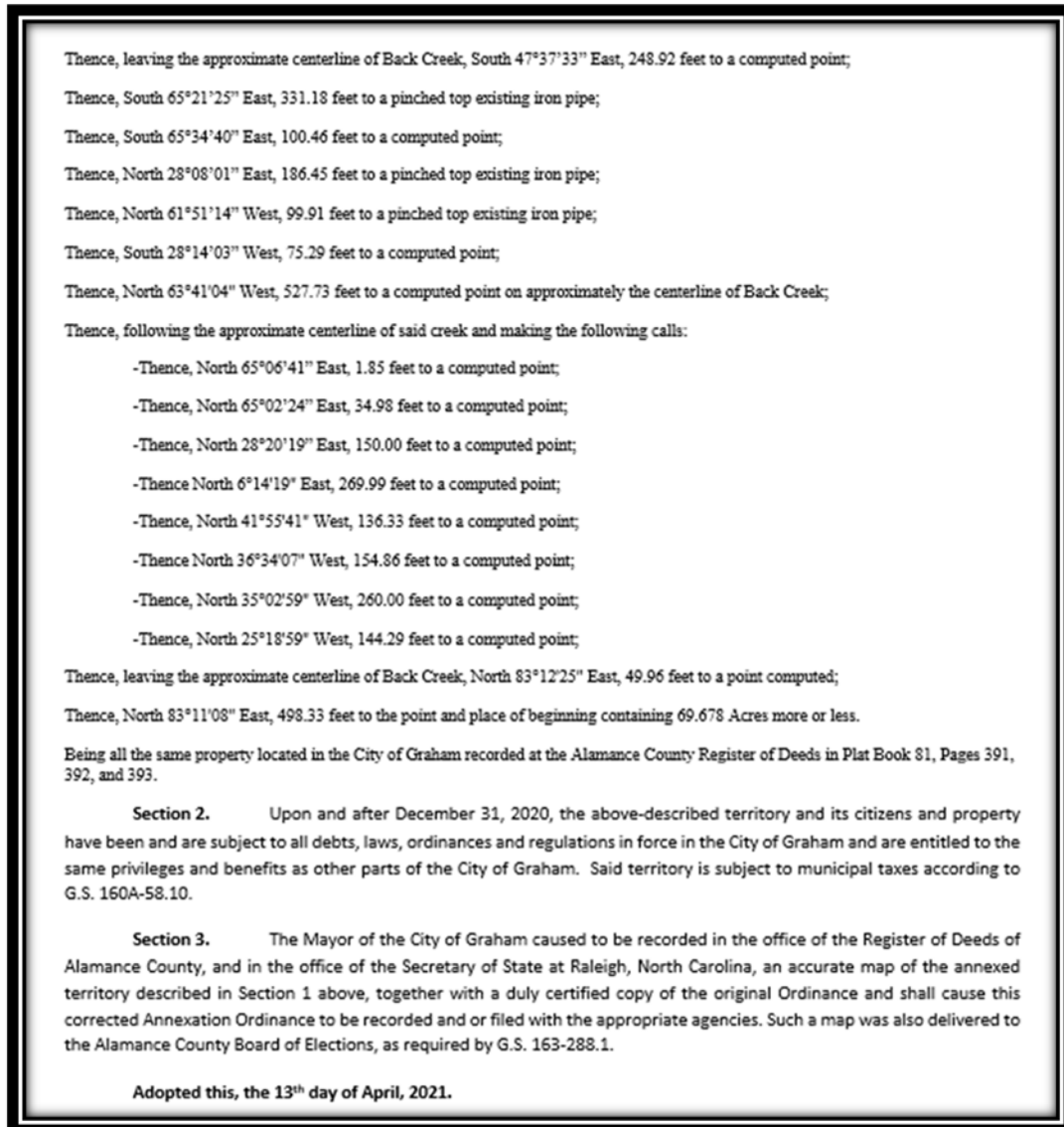
Thence, North 18°44'26" East, 485.42 feet to the base of an existing iron pipe;

Thence, South 82°24'49" West, 828.00 feet to a computed point on approximately the centerline of Back Creek;

Thence, following the approximate centerline of said creek and making the following calls:

- Thence, North 25°18'19" East, 585.00 feet to a computed point;

- Thence, North 50°03'19" East, 183.47 feet to a computed point;



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 “d” and “b”. Mayor Pro Tem Turner made a motion to approve items “a”, “c” and “e” 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 “b”, Council Member Talley referred to the Requests & Petitions from Citizens – First Reading: Temporary Outdoor Sales section of the minutes. Council Member Talley doesn’t recall being permitted to vote on Council Member Wiggins second motion to recuse Council Member Talley from the discussion and vote. Mayor Peterman suggested having the City Clerk review the meeting’s recording for clarification. With no further discussion forthcoming, Mayor Peterman made a motion to approve item “b”, with the exception of the section brought forth by Council Member Talley, and asked the City Clerk to clarify at next month’s meeting. Council Member Ricky Hall seconded the motion. Mayor Peterman polled the Council Members and all voted in favor of the motion.

On April 20, 2021 City Clerk Darcy Sperry reviewed the March 9, 2021 YouTube recording. The following is a timeline of action taken on the section in question - First Reading: Temporary Outdoor Sales:

- 1:05:35 – Council Member Wiggins makes motion to recuse Council Member Talley. With failure to receive a second, Mayor Peterman announces that the motion died.
- 1:07:23 – Council Member Wiggins makes a motion to recuse Council Member Talley.
- 1:07:27 – Mayor Peterman seconds the motion.
- 1:07:33 – Mayor Pro Tem Turner votes aye.
- 1:07:35 – Council Member Wiggins votes aye.
- 1:07:38 – Council Member Hall votes nay.
- 1:07:43 – Council Member Talley votes nay.
- 1:07:52 – Mayor Peterman votes aye

Concerning item “e”, Council Member Talley asked Recreation and Parks Director Brian Faucette about the plan. Specific area of discussion included clarification about grant opportunities and the request for the FY 2021-2022 budget. Council Member Hall made a motion to approve item “d” on the Consent Agenda, seconded by Council Member Wiggins. Mayor Peterman polled the Council Members and all voted in favor of the motion.

Old Business:

- 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 item “a” to next month, seconded by Council Member Hall.

Mayor Peterman polled the Council Members and all voted in favor of the motion.

Mayor Peterman made a motion to table item “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: Petition for Voluntary Contiguous Annexation for a 2 +/- acre lot located at 1342 Jimmie Kerr Road (GPIN 8894425247) (AN2101)***

Mr. Page explained the location and request from the applicant. Council Member Talley inquired about staff’s approval, it is in the affirmative, no questions. Mayor Peterman opened the Public Hearing.

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

Craig Robertson-412 Springwood Ave. Gibsonville

Discussion ensued about the situation from the Mayor and 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 +/- acres at 1342 Jimmie Kerr Road, seconded by Council Member Hall. Mayor Peterman polled the Council Members and all voted in favor of the motion. Mr. Tom Boney of the Alamance News pointed out to Mayor Peterman that he failed to close the Public Hearing. Mayor Peterman closed the Public Hearing and asked Council Member Wiggins to repeat her motion. Council Member Wiggins repeated the motion and Council Member Hall seconded. Mayor Peterman polled the Council Members and all voted in favor of the motion.

| ANNEXATION ORDINANCE | |
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| TO EXTEND THE CORPORATE LIMITS | |
| OF THE | |
| CITY OF GRAHAM, NORTH CAROLINA | |
| FOR 1342 JIMMIE KERR ROAD (AN2101) | |
| 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 April 13, 2021, after due notice by publication on March 25, 2021; 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 April 30, 2021: |
| Beginning at a point in the center of Jimmie Kerr Road, (S.R. No. 1928) and the City of Graham Corporate limits line and corner between Juanita B. Ray heirs and Allison Nicole McCauley, ETAL, said point being located N70° 51' 07" W 30.66 feet from an existing iron pipe in the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal, running thence along the centerline of Jimmie Kerr Road (S.R. 1928) and the existing City of Graham Corporate Limits line the following two (2) courses and distances: (1) N31° 16' 52"E 127.59 feet to a point; (2) N36° 07' 13"E 83.12 feet to a point and corner between Juanita B. Ray heirs and Jay Vance Rogers; running thence along the line between Jay Vance Rogers and Juanita B. Ray heirs the following three (3) courses and distances: (1) S63° 18' 0"E 488.20 feet to an existing iron pipe (iron stake setback in the line in this line 38.94 feet from corner in road); (2) S26° 27'14"W 141.18 feet to an existing iron pipe; (3) N70° 57' 57"W 169.24 feet to an existing iron pipe and being a common corner between Juanita B. Ray heirs, Jay Vance Rogers and Allison Nicole McCauley Etal; running thence along the line between Juanita B. Ray heirs and Allison Nicole McCauley Etal N70° 51' 07"W 315.13 feet to an existing iron pipe; thence continuing N70° 51'07"W 30.66 feet to the POINT OF BEGINNING and containing 2.00 acres (0.003 square miles.) | |
| Being all the same property located in the City of Graham, recorded in the Alamance Country Register of Deeds at Plat Book _____, Page _____. | |
| Section 2. | Upon and after April 30, 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. |
| 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 13 th day of April, 2021. | |

Requests & Petitions from Citizens:

- a. *First Reading: Temporary Outdoor Sales. Request by Patrick Miller to amend Chapter 8, Article VIII, Sec. 8-345 of the Code Of Ordinances Of The City Of Graham, North Carolina*

Interim City Manager Aaron Holland discussed the solution for Mr. Miller pursuant to Chapter 8, Article VIII, Sec. 8-345 of the Code of Ordinances of The City of Graham, North Carolina. Presented to Council is a draft ordinance. The ordinance is set to expire June 1, 2021. Explanation of the date was stated to the Council.

Mayor Pro Tem Turner asked for clarification of the end date's nullification. Council Member Talley raised a concern about bringing the request back before Council again when the vote was for denial. City Attorney Bryan Coleman referenced where the procedure stems from, the Code of Ordinance and not from the Development Ordinances. Mayor Peterman provided clarification to Council Member Talley. Council Member Wiggins made remarks supporting why the item is before Council this evening. Council Member Talley requested to table the item. Council Member Wiggins followed with explanation of the law and continued with the review. Council Member Wiggins asked for a clarification pertaining to the listed article number. Mr. Holland clarified the section. Mr. Page further supported the statement as presented. Council Member Wiggins asked Mayor Peterman if Council Member Talley should be recused. Mayor Peterman explained to Council Member Talley that she could remain to vote on this item. Council Member Talley read a statement in which she referenced was from her lawyer related to the recusal process. Discussion ensued. Council Member Wiggins directed a question to Mr. Holland related to the basis for which Council Member Talley was recused last month. Mr. Coleman discussed advisement from Adam Lovelady of the UNC School of Government. Mr. Coleman stated the indication is for the City of Graham to review conflicts as stated in the reference. In short, it was a correct proceeding. Mr. Boney asked if this is different and who it was directed from. Mr. Coleman responded. Mr. Boney further made a statement in regard about inquiry to a previous question to the School of Government in reference to recusal. Council Member Talley continued her discussion on the topic in reference to interest and the effect of those representative on the Boards. Mayor Peterman responded. Mr. Coleman continued support of the procedures of the meeting. Mayor Peterman requested support from Mr. Coleman on the procedures for the recusal. Mayor Peterman directed the discussion back to Mr. Miller's request. Mr. Boney returned back to the microphone to address Council.

Mayor Peterman directed the Council to return back to the request to the first read of the Temporary Outdoor Sales. Discussion among the Council ensued. Council Member Talley stated she wants to assist Mr. Miller, however she is not in favor of making amendments to the Ordinance. Mayor Pro Tem Turner stated there is no permanency in what is being requested at this time. Council Member Wiggins made a motion to approve the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA, seconded by Mayor Pro Tem Turner. Mayor Peterman polled the council. Ayes: Council Member Wiggins, Mayor Pro Tem Turner and Mayor Peterman. Nays: Council Member Talley and Council Member Hall. Motion failed to receive a supermajority vote required to pass on the first reading, therefore a second reading will be scheduled for the May 11, 2021 meeting.

Recommendations from Planning Board:

- a. ***Public Hearing: RZ2103 Cherry Industrial. Request by Jeffrey & Jeanne Eichinger to rezone 5 parcels, approximately 40 acres, from R-18 (Low Density Residential) to I-1 (Light Industrial in the vicinity of 2230 Cherry Lane (GPIN 9804012943, 8894916547, 8894912932, 8894923597 & 8894921459)***

Mr. Page explained the request. Council Member Hall asked a question of Mr. Page in regard about vacating the premises. Mr. Page defaulted to the property owners. Mayor Peterman asked about the Planning Board's reason for tabling. Mr. Page corrected, that this a recommendation for denial from the Planning Board 3:2, he further explained the denial.

Mayor Peterman opened the Public Hearing and Downtown Development Coordinator Mary Faucette read a public comment received from Tonya Whitfield of 2300 Cherry Lane Haw River.

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

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| Jeff & Jeanne Eichinger-2230 Cherry Lane Haw River |
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Council Member Talley asked if the property owners spoke with Ms. Whitfield. Mr. Eichinger confirmed he has spoken with Ms. Whitfield. Council Member Talley directed a question to Mr. Holland in regard to vegetation. Mr. Holland responded further identification will come forward as development moves forward. Council Member Talley directed a question to Mr. Page regarding preservation of trees. Mr. Page responded property owners have the right to determine what happens to their land. Mr. Holland reinforced Mr. Page's response. He identified the difference between this request and other rezoning requests where conditions can be placed upon them. Mr. Page presented a map identifying a stream and discussion continued.

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

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|-----------------|
| Glenn Patterson |
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Mayor Peterman closed the Public Hearing. Discussion ensued by the Council. Council Member Wiggins made a motion that the application be approve, 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 Mixed Use Commercial 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). Mayor Pro Tem Turner seconded the motion. All voted in favor of the motion.

b. Public Hearing: AM2101 160D Update. A comprehensive update to the Development Ordinance, as required by the North Carolina General Assembly (Tabled by Planning Board)

Council Member Hall made a motion to table this item, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

Law Enforcement Risk Review Presentation:

Mr. Holland introduced Mr. Matthew Selves, Public Risk Safety Manager with the North Carolina League of Municipalities. Presentation of a Law Enforcement Risk Review ensued.

Council Member Talley requested Mr. Selves to speak about the challenges Police have had over the last year with reference to hiring. Mr. Selves explained the leagues point of view of hiring. Mayor Peterman ask what prompts a review from the league. Mr. Selves replied.

Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease:

Mayor Peterman stated that the Fire Department is looking to expand their facilities and has identified empty lots on Moore Street (parcel id's 144001, 143995, 143994 and 143984). He added that Chief Tommy Cole, Captain Jason Moore, Captain Jason Cook, Mr. Holland, Mr. Coleman and Mr. Page will be joining closed session along with the Council. At 7:35p.m., Mayor Peterman made a motion to go into closed session to discuss these properties, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman called for a 10 minutes recess and declared the closed session would begin at 7:45 p.m.

At 8:53 p.m., Mayor Pro Tem Turner made a motion to come out of closed session, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman explained Council discussed the site and costs for property for a substation. He added that Council gave staff the permission to negotiate on the previously mentioned properties plus evaluated other potential sites as well.

Mr. Boney expressed concern that given the length of time Council was in closed session, the discussion may have veered from the stated reason for going into closed session. Mayor Peterman advised that the closed session discussion was limited to land purchase and to look to see if there would be a better location for a future substation.

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

Council Member Talley mentioned a customer appreciation luncheon – BBQ this coming Friday. On Saturday, the Maverick is sponsoring the “Kinfolk” concert series.

Council Member Wiggins spoke about a Public Hearing for NC 54 & NC 49. She advised this will close May 10, 2021. She provided a website address and encouraged the public visit the website and provide input on the options presented.

Council Member Wiggins advised that she has received several complaints about a green truck parking in the bike lane on Pine Street and asked that this be addressed. Mayor Peterman stated he would take care of calling the owner of the truck.

Council Member Talley addressed Council about City Hall's staff remotely working and recommended a hybrid model for open Council meetings. Mr. Holland advised that the plan is that on May 10, 2021 all of the City Hall staff will begin working at City Hall. He added that City Hall will be reopened to the public on June 1, 2021.

He advised that the delayed opening is to allow for the building to be equipped with safety measures and for all staff to get their second Covid-19 vaccine to protect our staff as well as the citizens.

Mayor Peterman remarked about the Tree Board's activities and directed the public to view the City's website for more information about Arbor Day on April 30, 2021.

He stated that trees will be planted in honor of the late Carrie Thompson and Mickey Cheek, both former Council Members. He added that a third tree will also be planted, but he is not aware of the person who will be honored with that planting. Council Member Talley remarked she is planting trees in honor of Kimberly Williams and Steven Hall. She advised there is a third one but she cannot recall the name her husband told her.

Mr. Page informed Council of House Bill 401 (Increase Housing Opportunities) and House Bill 511 (STI Funding/Bicycle/Pedestrian Improv). He stated that he thought Council would want to be made aware of both and stated that if Council would like to take action on either, he would draft resolutions to be brought forth at next month's meeting. Consensus was given to draft a resolution in opposition to House Bill 401 and in support of House Bill 511.

Mr. Richard Shevlin of 510 Wildwood Lane Graham and representing ALCOVETS, asked Council for a road closure of the 100 block of East Elm Street on September 17, 18 and 19, 2021 for a Dockdogs event. He asked this request be put on next month's agenda. Mrs. Faucette reminded Council that they previously approved that event requests be funneled through her. She told Mr. Shevlin that she can send him our event application and as long as the committee does not have any objections, it should not have to come back before Council.

At 9:13 p.m., Mayor Pro Tem Turner made a motion to adjourn, seconded by Council Member Hall. All voted in favor of the motion.

Mary Faucette, Downtown Development Coordinator