

**CITY OF GRAHAM  
REGULAR SESSION  
TUESDAY, JUNE 8, 2021  
6:00 P.M.**

The City Council of the City of Graham met in regular session at 6:00 p.m. on Tuesday, June 8, 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  
Darcy Sperry, City Clerk  
Bryan Coleman, City Attorney  
Bob Ward, City Attorney  
Nathan Page, Planning Director  
Jeff Wilson, IT Systems Manager  
Mary Faucette, Downtown Development Coordinator  
Julianne Cordon, Finance Officer  
Kristy Cole, Police Chief  
Beau Russell, Fire Inspector

Mayor Jerry Peterman called the meeting to order and presided at 6:03 p.m. Council Member Ricky Hall gave the invocation and everyone stood to recite the Pledge of Allegiance.

**Code of Ethics Disclosing Conflicts of Interest:**

No conflicts were reported.

**Consent Agenda:**

- a. Approve Minutes – May 11, 2021 Regular Session*
- b. Approve Tax Releases*

CITY OF GRAHAM RELEASE ACCOUNTS				
JUNE				
<u>ACCT#</u>	<u>YEAR</u>	<u>NAME</u>	<u>REASON FOR RELEASE</u>	<u>AMOUNT RELEASED</u>
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$6.48
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$34.13
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$7.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$7.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$5.12
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$13.17
674537	2020	RIVERWALK TOWNHOMES TOAI	PARCEL HOA - EXEMPT	\$6.55

*c. Approve FY 2020-2021 Budget Amendments*

**CITY OF GRAHAM  
BUDGET AMENDMENT ORDINANCE  
2020-2021**

BE IT ORDAINED BY THE CITY COUNCIL of the City of Graham that  
the 2020 - 2021 Budget Ordinance shall be and is hereby amended as follows:

**Section 1.**

**GENERAL FUND**

DEPARTMENT	APPROVED	AMENDED
City Council	44,600.00	184,600.00
Administrative	616,500.00	616,500.00
Information Technologies	384,000.00	384,000.00
Finance	394,900.00	394,900.00
Public Building & Ground	132,600.00	127,600.00
Police Department	4,385,300.00	4,385,300.00
Fire Department	1,553,300.00	1,553,300.00
Inspections	550,600.00	540,600.00
Traffic Engineering	92,000.00	37,000.00
Garage Warehouse	95,300.00	95,300.00
Street Department	1,514,300.00	1,569,300.00
Street Lights	132,000.00	111,500.00
Sanitation	872,400.00	872,400.00
Recreation	917,900.00	917,900.00
Graham-Mebane Lake	177,400.00	184,900.00
Athletic Facilities	392,300.00	392,300.00
Property Maintenance	758,900.00	746,900.00
Non-Departmental	1,053,500.00	953,500.00
	14,067,800.00	14,067,800.00

**Section 3.**

**WATER & WASTEWATER**

EXPENDITURES	APPROVED	AMENDED
Water Billing	415,500.00	428,000.00
W&S Distribution	1,860,300.00	1,860,300.00
Maintenance & Lift Stations	221,800.00	221,800.00
Water Treatment Plant	2,011,100.00	2,011,100.00
Wastwater Treatment plant	1,586,600.00	1,586,600.00
Non-Departmental	2,055,500.00	2,043,000.00
	8,150,800.00	8,150,800.00

**Section 7**

**CAPITAL PROJECTS AND**

**OTHER SPECIAL FUNDS**

REVENUES AND EXPENDITURES	APPROVED	AMENDED
State Drug Funds	100.00	11,000.00
Federal Drug Funds	100.00	34,000.00
	200.00	45,000.00

Adopted this 8th day of June 2021.

***d. Approve Resolution Establishing the American Rescue Plan Act Local Fiscal Recovery Fund***

<b>RESOLUTION ESTABLISHING THE ARP ACT – LOCAL FISCAL RECOVERY FUND</b>
<p><b>WHEREAS</b>, On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by the President;</p>
<p><b>WHEREAS</b>, Section 9901 of ARPA amended Title VI of the Social Security Act (the Act) to add section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which established the Coronavirus Local Fiscal Recovery Fund (together, the Fiscal Recovery Funds);</p>
<p><b>WHEREAS</b>, A State is required to allocate and distribute the Local Fiscal Recovery Fund payment received from the Treasury to each non-entitlement unit (NEU) in the State an amount that bears the same proportion to the amount of such payment as the population of the NEU bears to the total population of all the NEUs in the State.</p>
<p><b>NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT:</b></p>
<p><b>Section 1.</b> The City Council of the City of Graham hereby creates an American Rescue Plan Act Local Fiscal Recovery Fund.</p>
<p><b>Section 2.</b> Per the estimate released by Congressional staff, an appropriation in the amount of \$4,580,000 is hereby provided in the fund for the purpose of responding to the impact of COVID-19 and in efforts to contain COVID-19 on our communities, residents, and businesses.</p>
<p><b>Section 3.</b> This fund shall remain effective until further notice.</p>
<p><b>Section 4.</b> This Resolution shall become effective and binding upon its adoption.</p>
<p>This the <u>8th</u> day of <u>June</u>, 2021.</p>

- e. Authorize the City Manager, City Attorney, and City Clerk to effectuate the purchase of the properties located off W. Moore Street and Rogers Road identified by Alamance County Parcel ID#s: 144001, 143995, 143994, 143988, 143983, and 143984 pending the completion of the due diligence period***
- f. Approve Graham Police Department's request to make application for the Community Oriented Policing Services grant issued by the US Department of Justice***

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 Hall made a motion to approve items “a”, “b”, “c”, “d” and “f” on the Consent Agenda, seconded by Mayor Pro Tem Chip Turner.

With regards to item “e”, Council Member Talley asked about the offer not including a \$3,000 commission for realtor Gary Renigar. Interim City Manager Aaron Holland advised that Mr. Renigar had advised that the sellers were not willing to negotiate with him, as they had already started conversations with City staff about purchasing the properties. With no further discussion forthcoming, Council Member Hall made a motion to approve item “e” on the Consent Agenda, seconded by Council Member Melody Wiggins. Ayes: Council Member Hall, Council Member Wiggins, Mayor Peterman and Mayor Pro Tem Turner. Nays: Council Member Talley. Motion carried 4:1.

**Closed Session Pursuant to the Terms of N.C.G.S. §. 143-318-11 (a) (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged:**

Mayor Peterman informed everyone that due to having an attorney on standby, he was moving the Closed Session portion of the meeting up on the agenda. At 6:10 p.m., Mayor Peterman made a motion that the City Council go into closed session for the purpose of discussing the lawsuit captioned Allen, et al. v. City of Graham, seconded by Mayor Pro Tem Chip Turner. Mayor Peterman asked Mr. Holland, City Attorneys Bryan Coleman and Bob Ward, Police Chief Kristy Cole and City Clerk Darcy Sperry to join the Closed Session.

At 6:40 p.m., Mayor Peterman reconvened the regular meeting. Mayor Peterman read a prepared statement: All defendants deny wrongdoing and the Parties agree this settlement is not an admission of wrongdoing by any Party. It's our conclusion that continuing litigation would multiply the legal cost to our citizens. Mayor Peterman made a motion to approve the Final Settlement Agreement as outlined by the terms in the attached Final Settlement Agreement between Allen, et al. vs. City of Graham, et al., 20 Civ. 997 (M.D.N.C), seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

The following individual addressed this agenda item and Consent Agenda item "e" with Council Members:

Tom Boney-Alamance News
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**Old Business:**

***a. Public Hearing: CR2006 Truby Apartments. Request by Second Partners, LLC for Conditional Rezoning for multi-family apartments from Light Industrial for property located on Truby Drive (GPIN 8894453334)***

Planning Director Nathan Page explained that this request is to rezone the subject property from I-1 (Light Industrial) to CMXR (Conditional Mixed Use Residential). The application is for 22 buildings, with 24 units per building for a total of 1056 bedrooms. A list of proposed conditions was included:

1. Access via Truby and an easement
2. Meet all TRC/NCDOT/Etc. standards
3. Meet Graham multifamily standards
4. Include office, clubhouse, pool, recreation areas
5. Three story, mix of one, two, and three bedrooms

Council Members and staff discussed the meeting with the developers that Council suggested take place at last month's meeting. Mr. Page and Mr. Holland advised that staff did meet with the developers and made recommendations for a development agreement. They advised that the City had received an agreement and it had been forwarded to the City's attorneys for review. Both gentlemen expressed their concern(s) for the agreement received. Following the discussion, Mayor Peterman opened the Public Hearing.

Via the livestream, the following individual expressed concern with the Zoom information for tonight's meeting:

Chad Huffine
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Council Members, staff and the applicant's representative Mr. Huffine discussed the meeting that took place with staff, the development agreement submitted and the lack of sewer capacity in that area. Also discussed was what the development agreement needed to contain and the timeline for Council to approve a development agreement. Mr. Holland advised that a development agreement will require a Public hearing, separate from this conditional rezoning Public Hearing. Council Members expressed concern with moving forward on this agenda item without a development agreement in place. Mr. Huffine advised that he would be in favor of postponing this item. Mayor Peterman asked staff to meet with Mr. Huffine and then made a motion to table this agenda item, seconded by Mayor Pro Tem Turner. All voted in favor of the motion.

***b. Public Hearing: RZ2104 Jimmie Kerr Multi-Family. Request by Travers Webb for rezoning to R-MF from I-1 for approximately 11 acres on Jimmie Kerr Road (GPIN 8894469497 & 8894469816)***

Mr. Page explained that this is a request to rezone the property from I-1 (Light Industrial) to R-MF (Residential Multi-family). The property currently is vacant and is surrounded by general business and industrial districts, including a hotel, truck stop, and packaging facility, the latter two of which signal frequent semi-truck traffic along this portion of Jimmie Kerr Road. Mr. Page added that while this meets many of the standards of the Graham 2035 Comprehensive Plan, the potential magnitude of the density of development, unknown site layout, the limited sewer capacity, and the potential traffic issues suggest that this development may be better served by one comprehensive Conditional Zoning.

Following verification by Mr. Page that this is a straight rezoning request, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Travers Webb-619 E. Harden St. Graham	George Webb IV-129 Hudson St. Asheville
Tom Boney-Alamance News	

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

Alex Perkins-140 Summerlyn Pl Semora NC
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Council Members discussed the rezoning request in length with the Webb's. Both gentlemen stated they are aware of the sewer capacity issues with the property, with Mr. T. Webb stating that the lack of sewer capacity is limiting growth in that area. Mr. G. Webb advised that he was in the meeting with staff and the developers from the previously discussed item CR2006, but the Webb's chose to proceed with their request. He stated that he believed that if the property were to be rezoned, they could attract an investor who would be willing to invest in the infrastructure needed in that area.

Mr. Perkins, a partner involved with the CR2006 request, asked Council to table or deny any request until the CR2006 developers agreement can be heard. Mr. Boney asked about the cost of sewer upgrades and Mr. Holland stated that it was approximately \$3.5 million.

With no further discussion forthcoming, Mayor Peterman closed the Public Hearing. Council Members continued to discuss the applicant's request to proceed without a developer's agreement in place. After consulting with Mr. Ward, Mayor Peterman made a motion to re-open the Public Hearing, seconded by Council Member Hall. All voted in favor of the motion. Mayor Peterman asked the Webb's if they would be willing to postpone this request, to allow for more discussion between themselves and staff. Mr. G. Webb advised they would be willing to postpone the request. Mayor Peterman made a motion to postpone this agenda item, seconded by Council Member Wiggins. All voted in favor of the motion.

c. ***Public Hearing: Request from Charles Limuel Pierce to remove an unconstructed portion of an unconstructed alleyway off Climax Street***

Mr. Page explained that Mr. Pierce has requested the removal of a proposed alleyway adjacent to his lot. This portion of Right of Way (ROW) exists only on a plat and has not been constructed, nor does it provide service to, or access land for anyone other than Mr. Pierce. Mr. Page added that there have been no utilities located in that area by the City of Graham, nor anyone who came out as a result of an 811 call by the applicant to identify any infrastructure in the proposed ROW. He advised that the proposed ROW was offered to the City of Graham on or before Plat Book 5, Page 82 at the Alamance County Register of Deeds. Typically, with a ROW closure, half of the property reverts to the property owner of record on each side.

Mayor Peterman opened the Public Hearing and with no questions forthcoming, he closed the Public Hearing. Following a brief discussion between Council Members and staff about the exact location of the ROW, Council Member Wiggins made a motion to approve the Resolution Ordering the Closing of an unconstructed alleyway off Climax Street. Mayor Pro Tem Turner seconded the motion and all voted in favor of the motion.

**A RESOLUTION ORDERING THE CLOSING OF AN UNCONSTRUCTED ALLEYWAY  
OFF CLIMAX STREET**

**WHEREAS**, on the 11<sup>th</sup> day of May, 2021, the City Council of the City of Graham directed the City Clerk to advertise this Resolution of intent to close an alleyway off Climax Street, a public street right-of-way as described in Exhibit A below, in the Alamance News once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Council Chambers of the Graham City Hall on 8<sup>th</sup> day of June 2021; and

**WHEREAS**, the City Council on the 11<sup>th</sup> day of May, 2021, ordered the City Clerk to notify all persons owning property abutting the portion of an unopened alleyway off Climax Street by registered or certified mail, enclosing with such notification a copy of the Resolution of Intent; and

**WHEREAS**, the City Clerk has advised the Graham City Council that adequate notices were posted on the applicable street as required by G.S. 160A-299; and full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closing of said alleyway in the public hearing held on June 8, 2021; and

**WHEREAS**, it now appears to the satisfaction of the Graham City Council that the closing of a portion of said alleyway is not contrary to the public interest, and that no individual owning property, either abutting the alleyway or in the vicinity of the alleyway, will as a result of the closing be thereby deprived of a reasonable means of ingress and egress to his property;

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Graham that a portion of an unconstructed alleyway off Climax Street, as described in Exhibit A below, is hereby ordered closed, subject to any reservation of right set forth in Exhibit A below and in accordance with G.S. 160-299(c), all right, title, and interest that may be vested in the public to said street are hereby released and quitclaimed to the abutting property owners in accordance with the provisions of G.S. 160A-299.

In accordance with G.S. 160A-299(f) the City hereby reserves all of its right, title, and interest in any utility improvement within the closed alleyway with such reservation extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the City. The City further declares a utility easement being described as:

Situated in the City of Graham, Graham Township, Alamance County, North Carolina.

BEGINNING AT AN EXISTING IRON PIPE, BEING THE SOUTHWESTERN CORNER OF 30' ALLEY, THENCE N 04°46'14"E, A DISTANCE OF 74.82' TO A NEW IRON PIPE, THENCE S 85°13'46"E, A DISTANCE OF 14.50' TO A MATHEMATICAL POINT IN CENTER OF SAID ALLEYWAY, THENCE ALONG THE CENTER OF ALLEY, S 04°18'27" E, A DISTANCE OF 61.54' TO A MATHEMATICAL POINT, THENCE N 86°23'23"W, A DISTANCE OF 15.00' TO AN EXISTING IRON PIPE, BEING THE POINT AND PLACE OF BEGINNING AND CONTAINING 0.02 ACRES AS SHOWN AS LOT "B" ON SURVEY COMPLETED BY CAROLINA CORNERSTONE SURVEYING, DATED 02/22/21, JOB # 200928 CLOSURE.

In accordance with G.S. 160A-299(b) any person aggrieved by the closing of this street may appeal the Order to the General Court of Justice within thirty days of its adoption.

The Mayor and the City Clerk are hereby authorized to execute quitclaim deeds or other necessary documents in order to evidence vesting of all right, title and interest in those persons owning lots or parcels of land adjacent to the street or alley, such title, for the width of the abutting land owned by them, to extend to the centerline of the herein closed Drive in accordance with the provision of G.S. 160A-299(c).

The City Clerk is hereby ordered and directed to file in the Office of the Register of Deeds of Alamance County a certified copy of this Alleyway Closing Order.

Upon motion duly made by Council Member Melody Wiggins and duly seconded by Mayor Pro Tem Chip Turner, the above resolution was duly adopted by the City Council at a meeting held on the 8<sup>th</sup> day of June 2021, in the City Hall.

Upon call for a vote, the following Council Members voted in the affirmative:

Mayor Jerry Peterman

Mayor Pro Tem Chip Turner

Council Member Melody Wiggins

Council Member Jennifer Talley

Council Member Ricky Hall

This the 8<sup>th</sup> day of June, 2021 at 6:00 p.m.

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

***a. First Reading: Request from Jeff Collie and Josh Coe to Amend Chapter 8, Article VIII, Sec. 8-345 of the Code of Ordinances of the City of Graham, North Carolina***

Downtown Development Coordinator Mary Faucette reminded Council Members that at last month's meeting, she read an email received from Mr. Collie and Mr. Coe that asked for Council to reevaluate the City's Temporary Outdoor Sales Ordinance. Specifically, they asked for the policy to allow for food trucks to be parked in public parking spaces outside their business.

Council Member Talley stated she was against the request even being on the agenda. She also expressed concern with trash in the downtown area already, the lack of a fee for food trucks and the City not receiving sales tax revenue from food trucks. Council Member Wiggins expressed concern for requests like this being on every month's agenda. She suggested implementing a process that requires further research before the request is brought before Council. Council Member Hall stated that two years ago the City Council determined that food trucks were not permitted in the downtown area. He expressed concern for changing the ordinance. Mayor Peterman reminded Council Members that everyone has a right to come before Council with a request.

The following individual addressed this agenda item with Council Members:

Jeff Collie-1011 N. Eugene St. Greensboro	Chuck Talley-808 Sideview St. Graham
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Mr. Collie spoke of the lack of private property in the downtown area and explained how important food trucks are to his business. He stated that he is sensitive to concerns voiced by owners of the brick and mortar businesses. Council Member Talley suggested that maybe the City consider allowing for flag type signs that could be placed in front of a business who has a food truck parked behind the building. Mrs. Faucette stated that post-pandemic, outdoor dining is becoming preferred in downtown areas and food trucks have provided an economic boost across the state. She suggested that perhaps Council consider a fee for food trucks and explore the possibility of food trucks on Sundays in the downtown area. Mr. Talley stated that he does not see the need for food trucks in the downtown area and noted that normally you see food trucks in downtowns without restaurants. Following the discussion, Mayor Pro Tem Turner made a motion deny the Ordinance Amendment to CHAPTER 8, ARTICLE VIII, SEC. 8-345 OF THE CODE OF ORDINANCES OF THE CITY OF GRAHAM, NORTH CAROLINA. Council Member Hall seconded the motion and all voted in favor of the motion.

Mayor Peterman asked staff to look into creating a process for future requests. At 8:47 p.m., Mayor Peterman called for a 15 minute recess and at 9:02 p.m., reconvened the meeting.

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

***a. Public Hearing: RZ2105 Poplar Business. Request by Joseph Mena to rezone 0.15 acres located at 608 Poplar Street from R-7 (High Density Residential) to B-2 (General Business) (GPIN 8874861063)***

Mr. Page explained that this is a request to rezone the property from Residential (R-7) to General Business (B-2). The property is surrounded by single family homes as well as various commercial and industrial properties. He added that the property owner's stated reason for this rezoning request is to turn the existing single family home into an office.

Mayor Peterman opened the Public Hearing and with no questions forthcoming, he closed the Public Hearing. Following a brief discussion between Council Members and staff, 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: Rezoning the property would be consistent with mixed-use development goals (Strategy 2.3.1) and would maintain connectivity to existing commercial properties, thus adding business development in a relevant location (Policy 3.1.2). Council Member Hall seconded the motion and all voted in favor of the motion.

### **Public Hearing: Adoption of Budget Ordinance for FY 2021-2022:**

Mr. Holland explained that the annual Budget Ordinance is the official document adopted by the City to levy taxes and appropriate revenues for the 2021-2022 fiscal year. He advised that the Budget is balanced and meets all the applicable requirements of the North Carolina Local Government Budget and Fiscal Control Act. The 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. He advised that the proposed Budget Ordinance does not appropriate funds on a line by line basis (object basis), but rather on a departmental basis. Mr. Holland added that the Budget Ordinance captures all revenues and expenditures outlined in the City Manager's Recommended Budget. Mr. Holland and Finance Officer Julianne Cordon provided Council Members with a PowerPoint presentation, highlighting projected revenues, expenditures and changes in the recommended Budget. Mr. Holland briefly reviewed the capital projects and thanked Mrs. Cordon and all of the City's Department Heads for their efforts.

Council Members and staff discussed some of the fee changes proposed. Fire Inspector Beau Russell addressed questions about the proposed fire re-inspection fees. Mr. Holland addressed questions about garbage container fees. Council Members inquired about the possibility of adding a "family plot" option to the Cemetery Ordinance. The newly proposed fee for the state mandated Backflow Annual Testing was also discussed, with Mr. Holland stating this fee would apply to irrigation accounts only. Upon recommendation by Mayor Peterman, consensus was given to not include Council Members with the proposed 1.4% cost of living (COLA) increase. Following the discussion, Mayor Peterman opened the Public Hearing.

The following individuals addressed this agenda item with Council Members:

Tom Boney-Alamance News	Dean Ward-483 W. Moore St. Graham
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Mayor Peterman closed the Public Hearing. Council Member Talley thanked Mr. Holland and Mrs. Cordon while stating she was thankful to see the addition of two new patrol officers included in the recommended Budget. Mayor Peterman expressed his appreciation for the addition of one employee in the sanitation department.

Council Member Hall commended Mr. Holland for holding the line on the tax rate and for all of the work he had done on this Budget. Council Member Wiggins commended Mr. Holland, Mrs. Cordon and the department heads for their hard work in preparing and executing the Budget every year. Mayor Pro Tem Turner stated that Graham is a great place to be and these people before us are the reason it is a great place to be.

With no further comments forthcoming, Mayor Peterman made a motion to adopt the Budget Ordinance for Fiscal Year 2021-2022, including the schedule change with the Fire Department for a \$50.00 fee on the third visit to the site with the same violation. Council Member Hall seconded the motion and all voted in favor of the motion. Mayor Peterman asked Mr. Holland to pass along a well done and thank you to all of the employees. Mrs. Cordon brought it to Mayor Peterman that his motion did not make mention of not funding the COLA for Council Members. Mayor Peterman amended his previous motion and made a motion to adopt the Budget Ordinance for Fiscal Year 2021-2022, adding the fee schedule change with the Fire Department for a \$50.00 fee on the third visit to the site with the same violation and to remove the COLA of 1.4% for the City Council. Council Member Hall seconded the amended motion and all voted in favor of the amended motion.



## Budget Ordinance FY 2021-2022

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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, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

City Council	53,900
Administration	580,100
Downtown Development	127,200
Information Technology	269,700
Finance	342,300
Public Buildings	123,700
Police	4,617,000
Fire	1,770,100
Inspections	581,300
Traffic Engineering	91,000
Garage and Warehouse	110,400
Streets & Highways	1,630,200
Street Lights	110,000
Sanitation	1,234,400
Recreation	904,600
Lake	186,600
Athletic Facilities	400,500
Property Maintenance	817,300
Non-Departmental	820,200
	14,770,500

**Section 2.** It is estimated that the following revenues will be available in the General Fund for the the Fiscal Year beginning July 1, 2021 and ending June 30, 2022.

Ad Valorem Taxes	\$5,915,400
Investment Earnings	\$27,000
Miscellaneous	\$475,000
Other Taxes/Licenses	\$700
Permits/Fees	\$294,000

Restricted Intergovernmental	\$557,500
Sales/Services	\$788,600
Unrestricted Intergovernmental	\$5,242,300
Fund Balance	\$1,470,000
<b>Fund Total</b>	<b>\$14,770,500</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, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

Water and Sewer Billing	\$613,100
Water and Sewer Distribution	\$2,050,800
Maintenance & Lift Station	\$292,200
Water Treatment Plant	\$2,032,500
Wastewater Treatment Plant	\$1,622,100
Non Departmental Admin	\$2,383,000
<b>FUND TOTAL</b>	<b>\$8,993,700</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, 2021 and ending June 30, 2022.

Non-Operating	\$164,500
Operating	\$282,600
Other Financing Sources	\$1,046,000
Services	\$7,500,000
<b>FUND TOTAL</b>	<b>\$8,993,700</b>

**Section 5.** The following amounts are hereby appropriated in the Garage Fund for operations and activities for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022, in accordance with the Chart of Accounts heretofore established for the City:

Garage Fund	911,400
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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, 2021 and ending June 30, 2022 based on a labor rate of \$75 per hour.

Ala Co Fuel	185,300
City Of Graham Parts	246,600
City Of Graham Labor	209,200
City Of Graham Fuel	224,300
Graham Housing Parts	6,400
Graham Housing Labor	5,600
Graham Housing Fuel	8,800
Green Level Parts	3,500
Green Level Labor	5,100
Green Level Fuel	12,400
ABC Parts	0
ABC Fuel	4,200
Interest On Investments	0
Miscellaneous Income	0
<b>Total</b>	<b>\$911,400</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
JIM NINOR ROAD PARK	\$0	\$0
OLD FIELDS OUTFALL	\$2,955,000	\$2,955,000
WWTP UPGRADE	\$3,815,000	\$3,815,000
<b>TOTALS:</b>	<b>\$6,770,200</b>	<b>\$6,770,200</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, 2021 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 \$1,192,000,000 (100% valuation) with an anticipated collection rate of 97%.

**Section 9.** The City of Graham Fee Schedule shall be amended as follows and effective July 1, 2021:

### Development Fees

Planned Unit Development	<b>\$200</b>
Rezoning Request	\$200
Special Use Permit	\$200
Variance Request	\$200
TRC Review (excluding subdivision)	\$250, \$100 for any review beyond 2 <sup>nd</sup>

Site Development/ Right of Way Improvement Re-Inspection	\$100, \$200-2 <sup>nd</sup> , \$300-3 <sup>rd</sup> , etc.
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Notes: A re-inspection fee shall be assessed when the project is not ready for inspection, recurring deficiencies exist, or inspection requests are not canceled on time.

### Building Permit

Building Plan Review, Commercial	\$200 buildings up to 10,000 sf \$200 + 0.01 per sf for buildings > 10,000 sf
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### Miscellaneous Building

Fire Re-Inspection Fee (routine inspections)	<b>\$50-3<sup>rd</sup>, \$100-4<sup>th</sup>, \$150-5<sup>th</sup>, etc.</b>
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Notes: A re-inspection fee shall be assessed when the project is not ready for inspection, recurring deficiencies exist, or inspection requests are not canceled on time.

### Miscellaneous Fees

Cement Catch Basin Cover	<b>\$400</b>
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### Refuse Fees

*Recycling	\$4 per unit, per month
*Garbage Land Fill Tipping Fee	\$4.50 per unit, per month
New Home Garbage & Recycling Container	\$55 per container
***Bulk Waste (in excess of 2 clam shell	\$18 per clam shell bite in excess of 2
***Tree Trimmings (in excess of 2 clam shell bites) bites)	\$12 per clam shell bite in excess of 2
* All water customers inside the City Limits without containerized disposal systems (dumpsters) per customer or dwelling unit	
**Extra roll out container for residents only	
*** One (1) clam shell bite is approximately 1.5 cubic yards	

Backflow Annual Testing (For Irrigation Accounts)	\$10.42 per month
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## Sewer Rates

Sewer Base Rate		\$3.30
Sewer Rates per 1,000 gallons:		
	0-1000	\$4.36
	1,001-10,000	\$8.45
	10,001-100,000	\$8.50
	100,001-1,000,000	\$8.56
	1,000,001-2,000,000	\$8.61
	2,000,000+	\$8.67

## Recreation Fees

### Athletics/Camps

	Resident	General Public	Commercial
Athletics <sup>1</sup>	\$25	\$40	N/A
<sup>1</sup> A multiple child discount will be available to Graham residents for children in the same household; the first child will be charged the full fee, the second child will be charged 75% of full fee and three or more children will each be charged 50% of full fee			
Athletic Camps Including Soccer, Basketball, Baseball, Softball, Flag Football, Lacrosse	Fees for each camp will be set by the GRPD Director and the Athletic Supervisor, based on facility, staffing, and equipment needs		N/A
Summer Day Camp			
10 Weeks	\$575/1 <sup>st</sup> child	\$745/1 <sup>st</sup> child	
6 weeks	\$350/1 <sup>st</sup> child	\$450/1 <sup>st</sup> child	
Weekly <sup>2</sup>	\$70/child	\$86/child	
Daily <sup>2</sup>	\$21/child	\$26/child	
Multiple Child Discount <sup>3</sup>	\$30/child	\$30/child	
<sup>2</sup> Limited based on availability			
<sup>3</sup> Discounts will not be given on weekly or daily rates			

## Special Events and Programs

The GRPD Director may set fees for special events and programs based on facility, staffing, and equipment needs

## Graham Recreation Center

	Resident	General Public	Commercial
Open Gym Basketball			N/A
Ages 16-54	\$1/visit	\$1/visit	
Ages 13 & U; 55+	FREE	FREE	
Weight Room			
Ages 16-54	\$1/visit	\$1/visit	
Ages 16-54	\$40/six-month pass	\$55/six-month pass	
Ages 16-54	\$25/three-month pass	\$40/three-month pass	
Ages 55+	FREE	FREE	

## Graham-Mebane Lake

	Fees for All Customers	Commercial	
Boat Launching <sup>2</sup>	\$9/vessel	N/A	
Boat Launching-Seniors <sup>2,4</sup>	\$4/vessel		
Non-motorized Vessel Launching <sup>3</sup>	\$6/vessel or \$45/year		
Non-motorized Vessel Launching-Seniors <sup>3,4</sup>	\$3/vessel or \$30/year		
Bank Fishing	\$3/person or \$35/year		
Bank Fishing-Seniors <sup>4</sup> & Persons w/100% Disability	\$1/person or \$15/year		
Annual User Fee Permit <sup>5</sup>	\$70/year		
Annual User Fee Permit-Seniors <sup>4,5</sup>	\$50/year		
Annual User Fee Permit-Group	\$125/year	N/A	
Boat Launching-Maintenance & Demonstrations <sup>6</sup>	\$4/vessel		\$4/vessel or \$300/annual
Jon Boats	\$10/4 hrs \$16/8hrs		N/A
Canoe Rental	\$15/4hrs \$20/8hrs		
Solo Kayak Rental	\$12/4 hrs \$18/8 hrs		
Tandem Kayak Rental	\$18/4 hrs \$24/8 hrs		
Event Rental	\$175/5 hrs		

<sup>2</sup> All motorized boats including jet skis

<sup>3</sup> All non-motorized vessels including kayaks, canoes & paddleboards

<sup>4</sup> Senior fee begins at age 65

<sup>5</sup> Includes boat launching and daily fees for a single individual and covers a maximum of two boats

<sup>6</sup> No Recreational activities (fishing, skiing etc.) allowed; for boat and/or trailer maintenance/repair checks, swapping of boats and trailers, and all demonstrations for potential sales; fee is for a one-hour limit, activity over one hour will be charged the full boat launch fee; no charge for the general public if the boat remains on trailer

## Facility Rental Fees

### Bill Cooke Park

Field/Room/Equipment	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
Passive Areas Open Space, Perimeter Trail, Etc.	\$150 (5 hrs max)	\$200 (5 hrs max)	\$275 (5 hrs max)
Single Field Field #1, Field #2 or Field #3	\$150/day (10 hrs) \$20/hr	\$200/day (10 hrs) \$25/hr	\$275/day (10 hrs) \$35/hr
Field Prep	\$20 ea.	\$20 ea.	\$20/ea.
Field Lining	\$10 ea.	\$10 ea.	\$10 ea.
Lights (single field)	\$25/hr	\$25/hr	\$25/hr
Scoreboard (single field)	\$20/hr	\$20/hr	\$20/hr
Staff Supervision <sup>2</sup>	\$20/hr	\$20/hr	\$20/hr

<sup>1</sup>Must be a 501(c)(3), tax exempt or charitable organization in good standing and must be approved by the City of Graham  
<sup>2</sup>Supervision Fee may be waived for City of Graham employees upon approval of the GRPD Director or Athletic Supervisor

### Graham Recreation Center

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
Full Center Gym #1, Gym #2, Room #1 & Kitchen	\$60/hr + staff fee	\$120/hr + staff fee	\$240/hr + staff fee
Room #1 Multi-purpose Room, Includes Kitchen	\$20/hr + staff fee	\$40/hr + staff fee	\$80/hr + staff fee
Gym #1-Full Gym, Includes Kitchen	\$30/hr + staff fee	\$60/hr + staff fee	\$120/hr + staff fee
Gym #2-Half Gym, Includes Kitchen	\$25/hr + staff fee	\$50/hr + staff fee	\$100/hr + staff fee
Tables <sup>3</sup> (For Use Outside Center)	\$3/table per day	\$3/table per day	\$3/table per day
Chairs (For Use Outside Center)	\$0.25/chair per day	\$0.25/chair per day	\$0.25/chair per day

<sup>3</sup>Each rental will be charged a \$50 refundable security deposit

### Graham Civic Center

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
Full Center, Includes Kitchen	\$20/hr + staff fee \$75/5 hrs + staff fee \$132/10 hrs + staff fee	\$40/hr + staff fee \$150/5 hrs + staff fee \$265/10 hrs + staff fee	\$80/hr + staff fee \$300/5 hrs + staff fee \$530/10 hrs + staff fee
Sand Volleyball Court	\$15/hr	\$20/hr	\$30/hr
Gym #1-Full Gym, Includes Kitchen	\$30/hr + staff fee	\$60/hr + staff fee	\$120/hr + staff fee
Gym #2-Half Gym, Includes Kitchen	\$25/hr + staff fee	\$50/hr + staff fee	\$100/hr + staff fee
Tables <sup>3</sup> (For Use Outside Center)	\$3/table per day	\$3/table per day	\$3/table per day
Chairs (For Use Outside Center)	\$0.25/chair per day	\$0.25/chair per day	\$0.25/chair per day

<sup>3</sup>Each rental will be charged a \$50 refundable security deposit  
<sup>4</sup>Supervisory fees must be paid for all centers. An additional hour will be added to all rentals for facility preparations. Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for all centers for City of Graham employees upon approval of the GRPD Director or Center Supervisor

<sup>5</sup>Refundable and included in all rentals

\*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director

## South Graham Park

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
Sand Volleyball Court	\$15/hr	\$20/hr	\$30/hr
<sup>3</sup> Each rental will be charged a \$50 refundable security deposit			
*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director			

## Maple St. Center

	Resident/Non-Profit <sup>1*</sup>	General Public	Commercial*
Full Center, Does Not Include Kitchen	\$15/hr + staff fee	\$30/hr + staff fee	\$60/hr + staff fee
Supervisory Staff Fee <sup>4</sup>	\$20/hr	\$20/hr	\$20/hr
Cleaning Deposit <sup>5</sup>	\$50	\$50	\$50
<sup>1</sup> Must be a 501(c)(3), tax exempt or charitable organization in good standing and must be approved by the City of Graham			
<sup>3</sup> Each rental will be charged a \$50 refundable security deposit			
<sup>4</sup> Supervisory fees must be paid for all centers. An additional hour will be added to all rentals for facility preparations. Supervisory fees may be waived for the Graham Recreation Center during regular business hours and for all centers for City of Graham employees upon approval of the GRPD Director or Center Supervisor			
<sup>5</sup> Refundable and included in all rentals			
*All rentals to Non-Profit and Commercial entities must be approved by the GRPD Director			

## Shelters

	Resident	General Public	School Systems	
Bill Cooke Park, Shelter #1 & Shelter #2 S. Graham Park, Shelter A & Shelter B Graham Regional Park Graham-Mebane Lake	\$25/reservation period	\$50/reservation period	Alamance Co. Schools -FREE	Non- Alamance Co. Schools -\$20

## Cemetery Fees

### Grave Prices

	Resident	Non-resident
Conventional Grave – 4’x8’	\$800/grave	\$2,500/grave
Cremation Grave – 4’x4’	\$400/grave	\$1,250/grave
Infant Grave – 4’x4’	\$400/grave	\$1,000/grave
Cremation Grave – 4’x8’ (When Available)	\$600/grave	\$2,000/grave
2 <sup>nd</sup> Right to Interment (When Available)	\$200/grave	\$500/grave

### Deed Transfers

Transfer from Resident to Resident	\$5.00 administrative fee
Transfer from Resident to Non-resident	\$1,700 per grave + administration fee

### Interment Costs

Monday – Friday (prior to 2:00pm)** <sup>2</sup>	\$500
Monday – Friday (2:00pm and after)** <sup>2</sup>	\$650
Saturdays <sup>1,2</sup>	\$1,000
Sundays <sup>2</sup> & Holidays <sup>2,3</sup>	\$1,250

### Cremation, Infant and 2<sup>nd</sup> Right Interment Costs

Monday – Friday (prior to 2:00pm)** <sup>2</sup>	\$250
Monday – Friday (2:00pm and after)** <sup>2</sup>	\$400
Saturdays <sup>1,2</sup>	\$750
Sundays <sup>2</sup> & Holidays <sup>2,3</sup>	\$1,000

### Markers

Permit Fee – Single or Double*	\$100
Installation – Single Memorial	\$150
Installation – Double Memorial	\$175
Installation Fee is \$50 for reputable companies approved by the City of Graham	
*Installation Fee is waived for Veterans with an approved government supplied marker.	
** Based upon arrival time at the cemetery	
<sup>1</sup> Saturday rate begins at 4:00pm on Friday and ends at 7:00am on Sunday.	
<sup>2</sup> \$50.00 per half hour surcharge after one hour of arrival time or any time after 3:30pm.	
<sup>3</sup> The holiday rate applies to any holiday observed by the City.	

**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 8<sup>th</sup> day of June 2021.

### **Board & Commission Appointments:**

#### **Historic Resources Commission:**

The following individual addressed this agenda item with Council Members:

Jerome Bias-205 Albright Ave. Graham
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The following appointments were made to the Historic Resources Commission:

- Jerome Bias – Term Expiration June 30, 2025
- Bonnie Whitaker – Term Expiration June 30, 2023
- Jeanette Beaudry – Term Expiration June 30, 2023
- Zipporah Clark Baldwin – Term Expiration June 30, 2022

#### **Housing Authority:**

The following appointments were made to the Housing Authority:

- Larry Brooks – Term Expiration June 30, 2026
- Thomas Foust – Term Expiration June 30, 2022

#### **Historical Museum Advisory Board:**

The following appointments were made to the Historical Museum Advisory Board:

- Nicki Grafos Smith – Term Expiration June 30, 2024
- L. Scott Pickard – Term Expiration June 30, 2024
- Jeanette Beaudry – Term Expiration June 30, 2023
- Noelle Purcell – Term Expiration June 30, 2022

**City Manager Search Discussion:**

Council Members discussed the proposed timeline for the City Manager search. Council Member Talley expressed concern that the timeline put together may be too aggressive. Following the discussion, Mayor Peterman asked for a consensus to have staff start the search process and that the Council will reassess next month. Those in agreement with starting the search process were Mayor Peterman, Mayor Pro Tem Turner, Council Member Wiggins and Council Member Hall. Council Member Talley stated she did not agree.

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

Mayor Pro Tem Turner asked that next month's agenda include something that looks at moving quasi-judicial special use permit hearings away from the City Council. Mr. Page advised that a change of this nature would take a minimum of two months, as it would need to go before the Planning Board first.

Council Member Talley asked Mr. Holland to look into how long advertisements for City Managers have been open.

Council Member Talley asked if the City has a policy that encourages employees to shop local. Council Member Wiggins stated that while she was a department head for the City, there was not a written policy, but rather management encouraged shopping local if it was cost effective.

Council Member Talley asked staff to look into extending the overlay districts. Mr. Page advised that it would take a few months for the Planning Board to look at this.

Council Member Talley asked about the possibility of an overlay district for the I40/I85 corridor.

Council Member Talley asked for an increase in the land use code for landscaping.

Council Member Talley asked about changing the sign ordinance to allow for feather flags.

Council Member Talley expressed concern for the increase in door to door high pressure sales.

Council Member Talley stated that she would like to see a stakeholder meeting to discuss events in the downtown area. She expressed concern that people are not going through the process the City has in place. She suggested that the City and the County work together to ensure everyone is on the same page when issuing permits.

At 10:39 p.m., Mayor Peterman made a motion to adjourn, seconded by Council Member Wiggins. All voted in favor of the motion.

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Darcy Sperry, City Clerk